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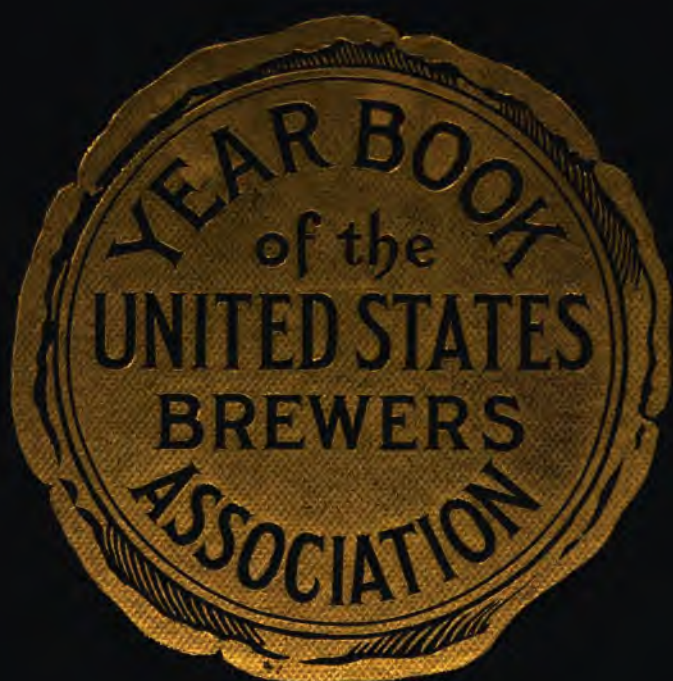
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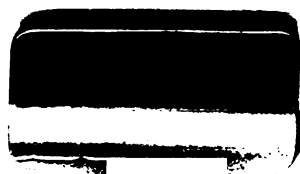
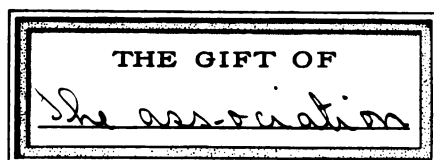
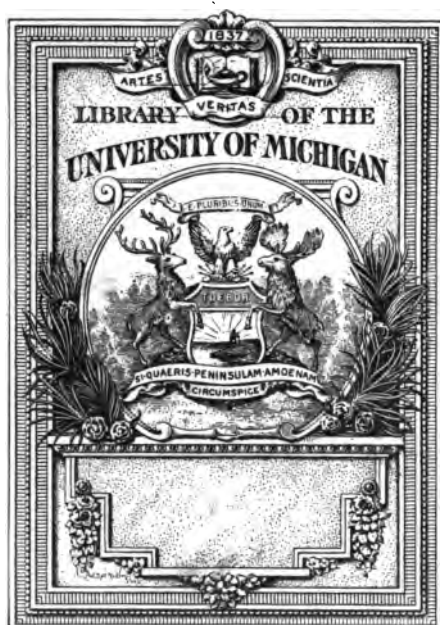
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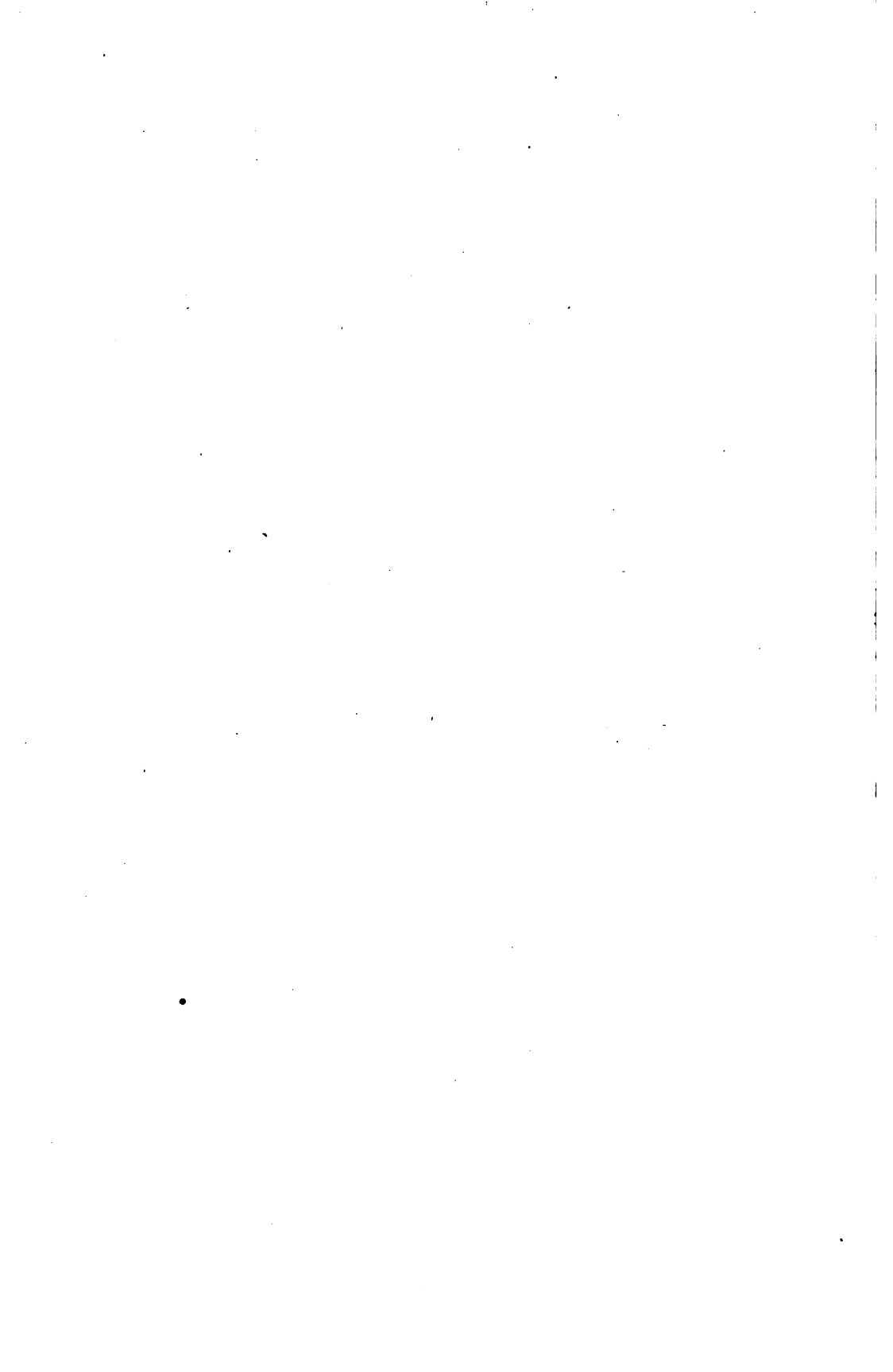


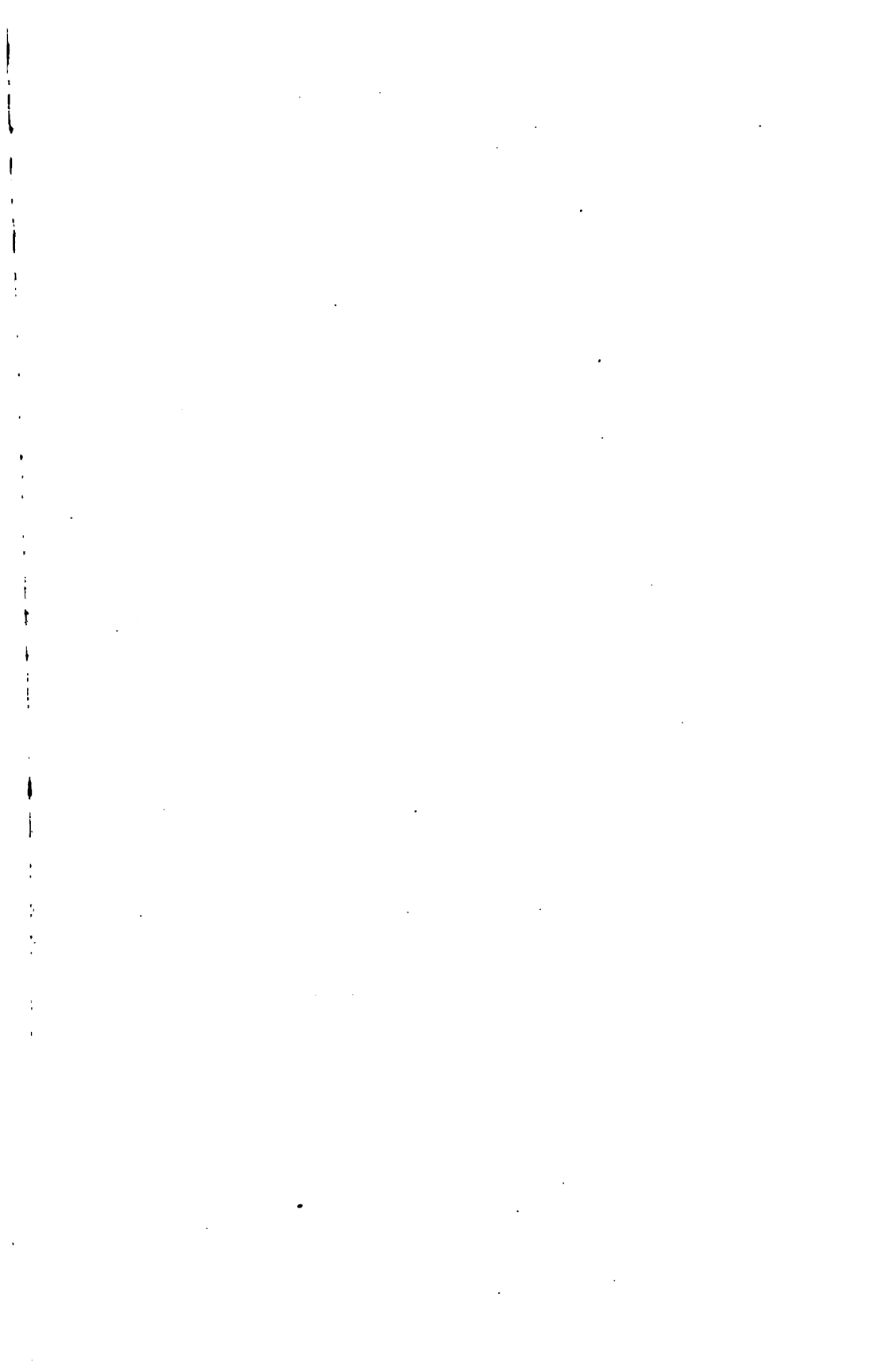
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THE  
YEAR BOOK

OF THE

United States Brewers' Association

---

A REVIEW OF RECENT LIQUOR LEGISLATION, WITH  
A DIGEST OF MATTERS CHIEFLY CONCERNING  
THE BREWING INDUSTRY

---

THE UNITED STATES BREWERS' ASSOCIATION  
PUBLISHERS

NEW .:. YORK

1909



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# THE CONTENTS.

	PAGE
PREFACE.....	5
LIST OF OFFICERS AND COMMITTEES.....	7
CHAPTER I.	
HISTORICAL SKETCH OF UNITED STATES BREWERS' ASSO- CIATION.....	11
CHAPTER II.	
LIQUOR QUESTION IN 1908.....	23
PROBABLE TREND OF LEGISLATION.....	38
CHAPTER III.	
LOCAL OPTION LAWS—STATE LICENSE FEES.....	49
COURT DECISIONS.....	49
CHAPTER IV.	
SOME SOCIAL ASPECTS OF THE DRINK QUESTION.....	74
I. ARRESTS FOR DRUNKENNESS.....	74
II. POVERTY AND DRINK.....	83
III. CRIME AND DRINK.....	91
IV. INSANITY AND DRINK.....	105
MORTALITY AND ALCOHOLISM.....	113
PROSPERITY AND PROHIBITION.....	117
CHAPTER V.	
FACTS ABOUT MODERN BREWING.....	126
CHAPTER VI.	
PROBLEM OF THE SALOON.....	147
CHAPTER VII.	
THE QUESTION OF COMPENSATION.....	160
U. S. B. A. PUBLICATIONS.....	166
CHAPTER VIII.	
FEDERAL FOOD AND BEER LAWS.....	169
CHAPTER IX.	
STATISTICS OF BEER PRODUCTION, NUMBER OF LIQUOR DEAL- ERS, INTERNAL REVENUE DATA.....	182

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## PREFACE

THE publication of a Year Book is an innovation in the annals of the United States Brewers' Association. It is not meant to displace the Convention reports which have been published for forty-eight years, but these reports will in future be restricted to the annual convention proceedings. The Year Book is designed both for the convenience of our own members, and for the information of the public. We have aimed to make it a valuable reference book, not only for the brewers, but for all serious students of the liquor question, adhering to our established policy of presenting only such facts and figures as will bear the light of unbiased scrutiny. Much of the discussion of this question is based on incomplete data, inadequate information, incompetent and careless observation, and generally unscientific methods. Partial truths have been used to bolster up specious arguments, and accuracy of statement has been sacrificed to mere dramatic effect. The result is reflected in much hasty and ill-considered legislation, enacted in response to a wave of unreasoning emotion, or for the purpose of placating a sentiment which has been only partially informed and, therefore, is at least partially misguided.

The brewing industry is convinced that its true and lasting interest coincides with that of the community, and that the method of marketing its product must be adjusted accordingly. But constant changes are harassing to the trade and demoralizing to the authorities. The interference of the State in the regulation of the habits of the people has been carried to such a point that the machinery of government does not stand the strain.

We must study conditions as they are, before we presume to say what they should be made. The actual experience of American cities and States cannot safely be ignored in legislation. Judgment must be formed upon the facts of social life and public administration, and action based upon this informed judgment. Sentimentalism has had its day; it is time that rationalism had a turn!

NEW YORK, January, 1909.



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OF THE UNITED STATES BREWERS' ASSOCIATION.

109-111 East 15th Street, New York.

The following is a complete list of the officers and committees, viz.:

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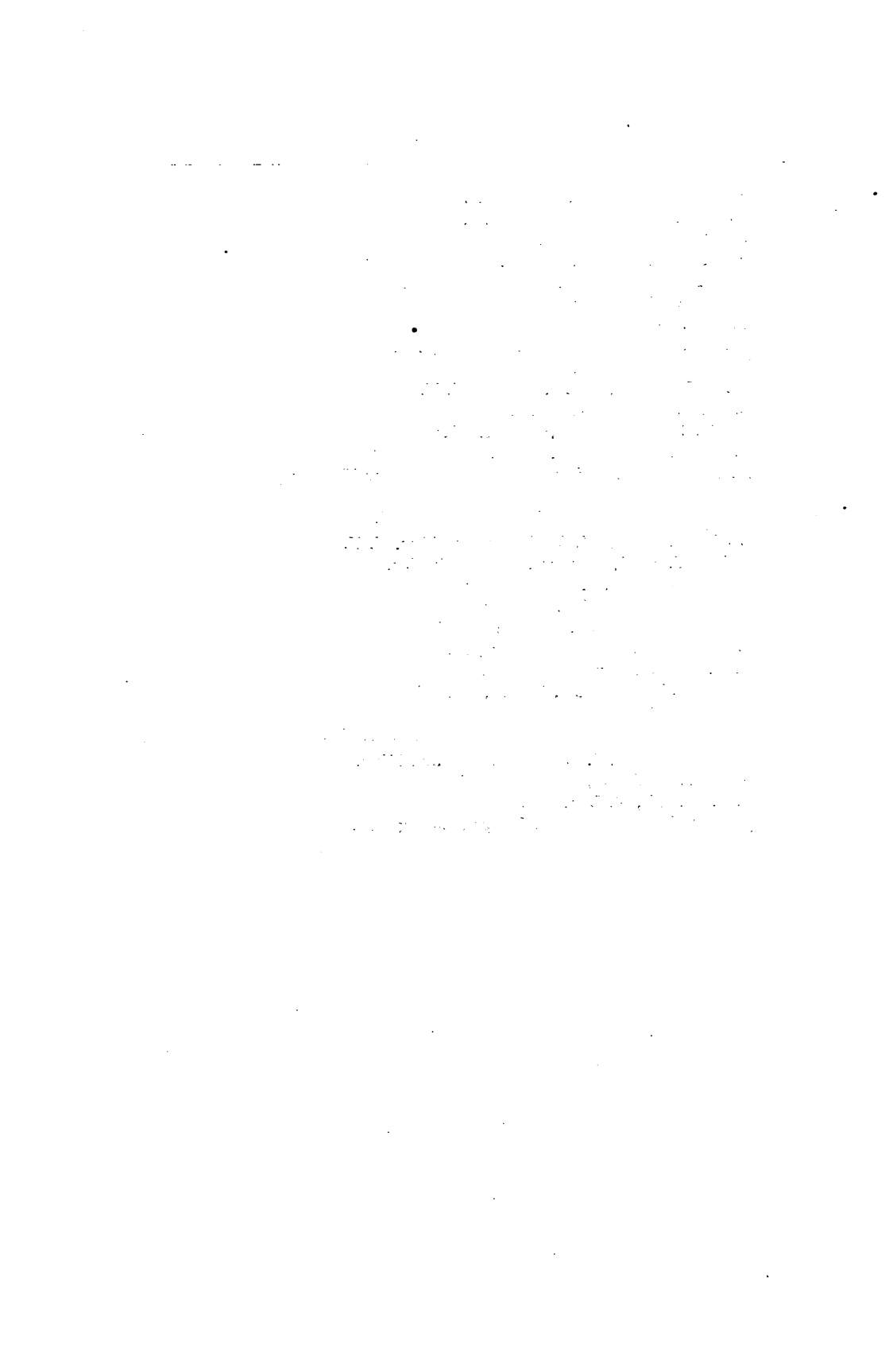
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## CHAPTER I.

### HISTORICAL SKETCH OF UNITED STATES BREWERS' ASSOCIATION

---

FROM the earliest Colonial periods, even while the brew-kettle still played a considerable part in the domestic economy of the American household, commercial brewing occupied quite a noteworthy position in the fiscal history of our country.

It was, in fact, a source of revenue invariably resorted to in times of stress and need.

Its tax-burdens actually mark the critical periods of our national existence; for it was not continuously or permanently taxed, except since 1862; but with every war the tax was sure to come. In the only war since 1862 it even assumed the shape of a double tax.

The United States Brewers' Association, organized in November 1862, is an indirect product of the most momentous crisis of our national life. The beer tax, a part of the internal revenue system, then embracing every branch of commerce and industry, was the direct tangible cause of its organization.

There were other reasons, however; considerations of a nobler, a loftier nature. Patriotism, ready to sacrifice self-interest, was the most potent motive of those who organized this body and those who joined it.

Nearly all of them were men of German birth or extraction, and, like the vast majority of German-Americans, ardent Unionists. The attitude of the German-Americans during the Lincoln campaign and particularly during the subsequent events, when 200,000 of them obeyed the call to arms, is a matter of history.

Unbiased historians admit that the more important border States were saved for the Union by the German-Americans, and among them—as in fact throughout the country, even in the

South—the brewers distinguished themselves by their willingness to give active support to the Union cause. Many of them gave their services and part of their wealth with an alacrity that greatly stimulated the patriotic spirit and prompted emulation.

The example of such men as the late Colonel Stifel, the St. Louis brewer, who at his own expense equipped a Union regiment (5th Missouri Infantry) which he led into the field;—or of the Richmond brewer, E. Richter, who, too manly to conceal his loyalty, was compelled to leave the business and the home he had established in the Confederate capital—reflects faithfully the sentiments of the brewers.

We might, if space permitted, give a long list of brewers who served in the army, and of others who organized companies of Union soldiers. Among the latter, Frederick Lauer deserves special mention, because his case may serve as an illustration of our assertion.

As a delegate to the National Democratic Convention, held at Charleston, S. C., in 1860, he vigorously opposed secession and on his return to his home in Reading, Pa., at once began an active union campaign. He declined a nomination to Congress. When the war broke out, being himself physically incapacitated for military service, he equipped, at his own expense, a company of union soldiers who served in the 104th Pennsylvania Infantry to the end of the war.

At the first brewers' convention this man fairly leaped into leadership, was elected Chairman of the Washington Committee and as such wielded powerful influence,—and all this for the very reason that he voiced the patriotic sentiments of his fellow-manufacturers.

A skeptic might ask, "What had patriotism to do with a tax-law as an incentive to industrial organization?" We answer: A great deal, in this case, if not everything. The revenue reports show that in many instances there was a veritable scramble among certain manufacturers: first to prevent the imposition of a tax and next to evade the payment of it. Even "rings" were formed for the latter purpose.

#### BREWERS AID THE GOVERNMENT.

The first revenue laws were crude and defective, and frauds were inevitable. The lawmakers sought remedies for these defects;

but, above all, they looked for a tax-method ensuring safe and easy collection and the prevention of fraud. *It was the organized brewers' avowed purpose to assist the Government in the accomplishment of these objects.*

Between 1862 and 1865 they endeavored to render the faulty law as effective as possible, so far as their own industry was concerned. At every convention they appealed to their trade, by suitable resolutions, "to support the Government and attest their loyalty by the prompt payment of the tax." In order to impart compelling force to their appeals, they caused the appointment of local committees whose duty it was to prevent evasions of the law by all legitimate means, even to the extent of taking the initiative in the legal prosecution of delinquents.

Had they been guided by any other motive than a sense of duty, their heads might have been turned by the praise showered upon them by Secretary McCulloch and many lawmakers.

When in 1865 Congress created a Special Revenue Commission with a view to perfecting the system, the United States Brewers' Association again volunteered its assistance, and at its own expense sent a committee to Europe for the purpose of studying the excise methods in the various beer-producing countries.

Under special instruction from the Treasury Department, the Special Revenue Commissioner attended the brewers' convention at which this committee reported. So deeply was this officer impressed with the report, its remarkable wealth of economic and statistical information, and the sound conclusions based upon it as to our country, that he recommended its transmission to Congress in its original form.

This was done, and thus the brewers' report became a public document, not inferior, as impartial critics admit, in any respect to the official dissertations on revenue of which that period was so prolific.

The opinion of the Department, that the "report would be of great benefit to the revenue," proved to be correct, as history attests. *Congress adopted the system which was proposed by the brewers and which in its essential features remains in force to the present day.*

In view of many systematic tax-evasions, this evidence of patriotism on the part of the brewers could not but create a very favorable impression generally. At the same time, public discus-

sions on the use of fermented drinks engaged the attention of our people and many eminent authors and scientists advocated the popularization of beer. The memorable inquiry into the operations of Prohibition in Massachusetts, with its well-known result, had not yet begun, but the wide-spread agitation in its favor stimulated this movement, and imparted to American brewing a powerful impetus.

One of the principal achievements of the United States Brewers' Association in the interest of their own trade during this brief period of its activity was the abolishment of the irksome method of supervision which the stamp-system rendered unnecessary; also the allowance of a rebate of  $7\frac{1}{2}\%$  for losses of tax-paid beers. In many other ways, mention of which lack of space forbids, the Association protected the trade from unreasonable or arbitrary interpretations of the law. Its chief merit, however, in an industrial sense, was the prevention several years earlier of a tax-increase to \$1.50, the government declaring officially that "one dollar must be considered fully up to the revenue standard," and this at a time when the price of beer was \$12.50 per barrel.

In its minor details the amended law proved far less satisfactory and the trade was exposed to many inconveniences and tribulations at the hands of ignorant or dishonest subordinate officers. Again the Association initiated direct negotiations with the Department and the proper Congressional Committees, and, although unsuccessful during several years, it finally succeeded in having the law again amended in the desired manner.

Anyone familiar with our country's history knows that many years before the war Knownothingism and Prohibition were driven out of the arena by the mass of liberal voters who had so ardently devoted themselves to the Union cause.

#### THE WORK OF EDUCATION.

Shortly after the termination of the war, Prohibitionists again began, timidly and sporadically at first, to agitate the Maine idea. The United States Brewers' Association at once perceived the necessity of a counter-agitation designed to correct prejudices, errors and wilful misrepresentations.

At the St. Louis Convention held in October, 1866, the Association laid the foundation for its educational activity which since then has been carried on without interruption. The fact that the

brewery workmen of St. Louis had enjoyed a very remarkable immunity from infection during the cholera epidemic in that city, could not escape medical observation, and the Association based its first pamphlet on this incident. Its second publication, which appeared at the same time, dealt with the cause, effect and cure of a disease of the hop plant.

The latter publication opened a new field for the activity of the Association. While brewing forged ahead rapidly, the American production of maltable barley and hops lagged behind, and it became the brewers' duty to devote their attention to this subject, all the more so because the protective policy was ultimately extended to barley and malt, a large quantity of which had formerly been obtained from Canada, free of duty, under the reciprocity agreement.

Without attempting even a superficial review of the several acts by which the brewers sought to protect their interests in this respect, it may be stated, in a general way, that they availed themselves of every opportunity to bring about an increased production and a suitable enhancement of the quality of American hops and barley. At the same time their efforts were necessarily aimed at every attempt (and there were many) to make the import duty on these materials prohibitive.

One of the most important successes of the Association was the defeat of a proposition to impose a tax on malt which would have been equivalent to an additional beer tax. Here again, its arguments were deemed of such weight as to cause the Committee on Ways and Means to have them printed as a separate public document.

The question of hop-tare was also discussed thus early and an agreement was effected, but not carried out, to pay only for the actual weight of the hops exclusive of the packing material. It required many years of incessant labor and tactful agitation to secure for this informal agreement the force of a commercial rule, which no one would dream of violating to-day. And that is another achievement to the credit of the Association.

Between the years 1868 and 1878 the work of the Association increased at a marvelous rate; its Washington Committee had to be constantly on the alert; many commercial questions arose which rendered necessary the formation of local associations; the Prohibitionists organized nationally and initiated a vigorous

campaign; and old prejudices were revived against those engaged in the trade.

Fortunately, at the beginning of this period Massachusetts abolished Prohibition on the strength of a voluminous official report, the outcome of an investigation which resulted in a complete negation of every argument and presumption in favor of compulsory total abstinence. Following this came the famous scientific enquiry conducted by Dr. Bowditch, which induced thousands of physicians, journalists, clergymen and authors to advocate the use of wine and beer.

The Centennial Exposition of 1876 was justly regarded by the Association as a splendid opportunity of familiarizing the public with the nature of malt liquors, the mode of manufacture, the place of beer in dietetics, etc. For this purpose the brewers erected their own magnificent exposition building in which were exhibited all machineries and appliances used in brewing and its more closely related kindred trades. Samples of malt liquors were distributed freely, together with an excellent pamphlet on the drink question. As an object lesson, actually reaching millions of people, this exhibition exercised a profound influence upon the public, and was never equalled here or elsewhere before or since.

#### LEARNING THROUGH DEFEAT.

In spite of such efforts of enlightenment, Prohibition gained the ascendancy in Iowa. Supported in every possible way by the United States Brewers' Association, the brewers of Iowa carried on a vigorous campaign; nevertheless, they were ultimately beaten. But the experiences gathered during this agitation and the Kansas campaign of a later period proved to be of inestimable value. They taught the brewers that by literary and educational efforts they must endeavor to induce the liberal elector to exercise his franchise;—for it was clearly demonstrated that in no instance had Prohibition been supported by a majority of those entitled to vote.

The necessity for such a course became all the more manifest at a later period, on account of several Supreme Court decisions sustaining Prohibition under the States' police power. The Association expended large sums of money and engaged the most eminent lawyers in order to test every constitutional principle involved in this question. All this naturally had the effect of invigorating the popular campaigns.

From this period dates the systematic dissemination of literature on the drink question by the Association; and its effect may be properly gauged by the fact that up to the era of the Anti-Saloon League of our time, proposed State Prohibition was defeated at the ballot box in ten States and abolished in all the New England States, excepting Maine. In all these instances, the arguments used by the opponents of Prohibition were derived directly from our publications.

We may as well sum up right here this part of the Association's activity from 1878 to about 1904, in which latter year the local option movement (in its modern form) had monopolized the field, as a result of the utter failure of Prohibition. It was well understood that thousands of journalists and public and professional men were eager to espouse the liberal cause; but they needed working material to refute the falsehoods and exaggerations of Prohibitionists. Methodical investigations embracing every aspect of the subject became absolutely necessary, and to accomplish this the Association established a bureau, which covered the field so completely that its publications embraced every point that had ever been raised in any discussion on the merits or demerits, not only of prohibition, but of every known system of regulating the traffic. The absolute truthfulness and scientific accuracy of all these publications were universally recognized and served (and still serve) not only as a basis for the work of journalists and essayists, but also as a useful help to those who instituted original enquiries. Of this the Association has received hundreds of flattering proofs, in many instances from professional men opposed to the trade.

In addition to these books and pamphlets covering every point of the question, the Association published an annual report containing a complete and perfect summary of the temperance movement throughout the world, a review of noteworthy publications and events, and of everything else that could be of interest and practical value to the brewer in respect to public matters and his own trade. Statistical tables giving in detail all data relating to the industry were often supplemented by graphic charts illustrating the progress of brewing and of the trades related to it. These reports will henceforth be superseded by the present Year Book, which every brewer ought to have on his desk.



#### THE LIBERTY LEAGUES

It must not be forgotten, however, that in every prohibitory campaign which resulted in a victory for the liberal side the organization known as the "Liberty League" actually carried on the fight as *a matter of principle*. Ever since Hermann Raster, the foremost German-American editor, succeeded in inducing the Republican National Convention of 1872 (of which he was a member) to adopt his plank against sumptuary legislation, it was well understood that the entire German-American press and the voters it represented would, regardless of party affiliations, vote against Prohibition and its advocates. The numerical strength of the League in its entirety may be judged by the fact that when Warner Miller was defeated in his gubernatorial campaign, the New York State Liberty League had enrolled 350,000 members, all of them electors.

During the period before mentioned the internal work of the Association progressed rapidly and favorably.

No less than forty-seven State and city associations were organized, and the membership of the parent body rose to over eight hundred, in spite of the fact that the number of persons engaged in brewing decreased very considerably from year to year

#### TECHNICAL MATTERS—PURE FOOD.

Technical matters were taken up by the Association as early as 1868; but it was not until 1884 that a technical committee was created for the purpose of giving the trade the benefit of coöperation in pertinent matters. The Committee dealt with most important questions, such as the purity of our product; its vindication in the face of unfounded charges of adulteration; the use of brewers' grains from a commercial and physiological point of view; the improvement of hops and barley; the utility of untested inventions of a mechanical and scientific nature; the analyses of brewing materials and uniformity of methods; all matters involving patent litigations brought to its notice by interested members, and many similar matters.

One of the principal achievements of this Committee was the wholesome fear with which its work inspired the great number of patent swindlers who formerly preyed upon the industry, but who, since it began its work, have utterly disappeared.

Concerning Federal legislation against adulterations, this technical Committee assumed an attitude which secured to the Association the respect and confidence of the Agricultural Department and of Congress. Taking an active part in the First Pure Food Congress, the Committee submitted that clause, subsequently adopted by Congress, which gave to the manufacturer the right to coöperate with the government in the establishment of standards. That being granted, the Association consistently advocated the enactment of a Federal law, and had the gratification of being complimented for this attitude by several industrial bodies who had originally opposed Federal legislation. The effect of this work, with its frequent conferences with the chief chemist of the department, may not as yet be appreciated, but the trade will surely reap the benefits in the near future.

#### THE LABOR QUESTION.

In regard to the labor question, the Association undoubtedly achieved much better results than many other American industries by a policy which combined firmness and determination in upholding the employers' rights with a just appreciation of the workmen's condition and absolute fairness and genuine sympathy in dealing with all reasonable demands designed to bring about an amelioration of the wage-workers' lot.

Before the organization of labor unions the employing brewers in the smaller cities maintained a sort of patriarchal relation toward their workmen, eating with them at the same table and otherwise treating them as members of their household. In the larger cities the relation between employer and employed was not quite so close and intimate; but the friendly feeling between them was no less sincere. In New York City the employers had created an aid association which secured their workmen against want during sickness and provided for the journeymen's widows and orphans. Each employer paid an amount equal to the aggregate contributions of his employees.

The United States Brewers' Association had just taken measures to secure the adoption of this scheme throughout the country, when the labor movement began to assume its worst form. The friendly relations were suddenly torn asunder by the violently aggressive methods of labor leaders of avowed anarchical tendencies—among them men who subsequently betrayed the confidence

of their constituents. These men wantonly provoked the great struggle of 1886. They openly declared it to be their object to test their power at any cost, and the employers had no choice but to accept the challenge.

The lock-out that followed could not have been sustained and carried to a successful issue without the vigorous aid of the United States Brewers' Association; nor would this aid have been extended had not the employers voluntarily agreed to re-employ their men. without contract, but *upon union terms* as to everything except those tyrannical demands which would have deprived the employer of the legitimate control of his business. It was practically a national affair, which could not have been settled without the help of a central body.

Since that memorable struggle better men in every way have come to the front in the ranks of labor, and the employers have gladly met them in a spirit of conciliation and amity. It is true that strikes and boycotts have not ceased altogether, but they have become comparatively rare and *the firm position of the national Association has rendered them comparatively harmless*. Besides, the principle of arbitration—the great aim and end of the Association's labor committee—is being recognized more and more and rarely fails of its purpose when applied in the proper spirit and at the opportune moment.

It is impossible to compute in dollars and cents the pecuniary advantages derived by both capital and labor from the wise and humane policy which has hitherto guided the action of the Association. The gain in peace, comfort, and the joy of harmonious co-operation must be felt by every workman and every employer.

#### THE DOUBLE TAX.

Between 1894 and 1902 the Association was called upon to perform a gigantic task, involving a possible loss to the trade of sums of money ranging between forty and fifty million dollars per year. We refer to the beer tax of two dollars per barrel. In 1893 the Secretary of the Treasury, in his report to Congress, had recommended doubling the beer tax as the only remedy for the then existing shortage of revenue, and this recommendation was based upon a paper written by the man whom many considered the foremost authority on revenue questions, Hon. D. A. Wells. This document undoubtedly made a deep impression upon the minds of

the lawmakers, especially upon those who ignored the fact that all of Mr. Wells' revenue theories proceeded from the free trade principle which he upheld with almost fanatical stubbornness. This was really a "ruling passion" with him, to which he readily sacrificed fairness and consistency, and which ultimately led him to contradict every word he had officially written while acting as Special Revenue Commissioner. *Without a vigorous remonstrance, the proposition would doubtless have been adopted by Congress.* It became the duty of the Association to expose the fallacy of the Wells report. This was done (1894) in so effective a manner that leading men of the Ways and Means Committee on the dominant side of the House unhesitatingly pronounced the proposition a dead issue. Nevertheless, it came up again and again and had to be met in a similar manner. Unfortunately, the outbreak of the Spanish-American War found the Federal Treasury in a condition which required measures ensuring the immediate availability of additional revenues on a large scale. The doubling of the beer tax appeared to be the most favored among such measures. The Association declared the brewers' determination not to shirk their duty as patriotic citizens, but pointed out the injustice of doubling the old war tax without first imposing taxes upon all other industries, particularly those immensely wealthy ones which are protected by the tariff. Their argument produced no effect and the double tax was imposed.

The Association succeeded, however, in securing the rebate of 7½% which had been unjustly abolished the year before.

From the end of the war to 1901 the Association never ceased to petition Congress for the revocation of the additional tax; they submitted dozens of remonstrances *until the tax was first reduced and finally abolished.* It was admitted even by the trade's opponents that more convincing arguments had never been submitted to Congress by any industry on any subject. Without the influence which these remonstrances against a crying injustice had upon the public mind, the double tax would doubtless have taken out of the brewers' pockets additional hundreds of millions.

The task of the Association in regard to this matter was rendered all the more difficult on account of the comparatively large number of advocates which the prohibitory sentiment has of late years gained among members of Congress. In this respect the work of the Association has also become more arduous from year

to year. Of course, bills designed to render State Prohibition effective by Federal legislation have always loomed up at one period or another during the progress of the movement, but it is only of late years that they have been taken so seriously as to bring their enactment within the range of probability. If the liberal voters had not awakened in time and organized for the defense of personal liberty,—as they have so successfully done in the States in which Prohibition was defeated,—it is doubtful whether the outcome of prohibitory agitation in Congress would have been so favorable to liberal views.

#### A LIBERAL RE-AWAKENING.

During the past five or six years the local option movement has assumed formidable proportions under the leadership of the Anti-Saloon League. On the other hand, a re-awakening of the liberal spirit is noticable everywhere. Thanks to the energy of many associations of manufacturers and other business men, who realize the destructive tendencies of the League and the utter lack of fairness in its agitation, the counter-movement goes on bravely, and, supported by the tactful and effective work of the German-American Alliance, with the thousands of societies federated under national leadership, will bring about in time, it is confidently expected, a revulsion of public sentiment wherever the natural rights of the citizen are threatened or suppressed.

## CHAPTER II.

### LIQUOR QUESTION IN 1908.

#### I.

**D**URING 1908 laws of sufficient importance to call for extended mention were enacted in Indiana, Louisiana, Ohio and Virginia, and will be considered in the order of these States.

#### INDIANA:

On September 26th a county local option law was enacted at a special session of the legislature called together merely for that purpose. Its chief features are outlined below.

Whenever a petition has been signed and filed with the county auditor praying the board of county commissioners for a special election to determine whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of the county, the board of commissioners at its next regular session must order a special election to be held in not less than twenty nor more than thirty days. It is required that the petition shall be signed by a number of qualified electors of the county equal to not less than 20 per cent. of the aggregate vote cast in the county for secretary of State at the last general election. No voter may sign his name to such a petition after it is filed or withdraw his name.

A special board of election commissioners are to supervise the local option balloting, consisting of the county auditor and two resident freeholders of the county, one known to be in favor of prohibiting the sale of intoxicating liquors as a beverage in such county and one known to be against prohibiting such sale, both to be appointed by the county commissioners. The board of commissioners must also appoint one judge and one clerk of election known to be in favor of prohibiting the sale of intoxicating liquors as a beverage for each election precinct, and one judge and one clerk opposed to such prohibition.

Whenever an election has been held under the provisions of this act, no subsequent election shall be held until the expiration of at least two years.

If the election results favorably to prohibition of the sale of liquors, then after ninety days from the date of the election all licenses granted after the passage of this act shall be null and void. Upon the surrender of a void license the holder shall be refunded an amount proportionate to the unexpired time for which the license fee had been paid.

If a majority of the votes cast shall be against prohibiting the sale of intoxicating liquors, the vote shall not affect any order, judgment, or remonstrance making it unlawful for the board of commissioners to grant a license for the sale of intoxicating liquors in any particular township, city, ward, or residence district.

In all elections under this act the provisions including penalties of the general election laws of the State shall apply and the election expenses shall be paid from the general funds of the county. The act closes with the enigmatic statement that it "shall be liberally construed to promote the purposes of its enactment."

The new law does not abrogate the right obtaining under earlier legislation of securing local prohibition by means of a remonstrance, signed by the majority of legal voters in any township or ward. In Indiana, therefore, the unusual possibility exists of obtaining local prohibition in any subdivision of a county, although the majority of the county vote may be recorded as against it.

The provision that a petition for a local option election need only be signed by twenty per cent. of the aggregate vote cast in the county for secretary of State at the last general election is, of course, simply a device to reduce the votes necessary for a valid petition to the lowest terms. In other words, it makes it possible for an unrepresentative minority to force an election.

#### LOUISIANA:

A new license law was enacted which became effective January 1, 1909. The law makes a general increase in license fees which are based upon the gross annual receipts, and run from \$1,600 per annum where the gross annual receipts are \$50,000 down to \$200 per annum when the gross receipts are less than \$5,000.

For the business of selling malt and vinous liquors exclusively in quantities less than five gallons, the license shall be one-half of

that provided for the general sale of alcoholic beverages. Druggists who sell liquors on prescription must pay the same license fee, but no license is charged for selling refreshments for charitable or religious purposes.

In addition to the above, it is made the duty of police juries, city councils and also aldermen to collect a license of not less than \$500 "on the business of operating a barroom, cabaret, café," etc., except that only one-half of this amount shall be levied when the business is that of selling malt or vinous liquors only. Stringent regulations are made governing the sale of liquors in connection with a grocery.

Licenses continue to be issued by police juries, city councils, and board of aldermen. There are usual provisions against sales to minors and the unusual provision of prohibiting in any barroom or similar place the sale of intoxicating liquor to women. Exceptions are made for hotels and restaurants where liquors are sold with meals. It is also prohibited to sell liquors to whites and negroes in the same place.

No licenses can be granted except upon the written consent of a majority of the board of property holders within three hundred feet of the proposed location of a barroom. It is also prohibited to grant a license for any such place within three hundred feet of a church or a school. A person who has previously been convicted of any felony is not competent to hold or retain a license as a retail dealer.

Of special significance is a provision that it shall be unlawful for any firm, corporation or officer, director or stockholder of any corporation engaged in the business of brewing or distilling or distributing by wholesale intoxicating liquors, to obtain a license for retail sale, or even to be interested financially in any concern so engaged, or to be the owner or lessee, or to be interested in any lease of premises to be used for such business.

It is within the authority of the local government board to exclude the sale of liquor in any designated section of a city or town.

The act does not modify or repeal special or local acts prohibiting or restricting the sale of liquor in any part of the State.

#### OHIO:

The general laws regulating the sale of liquors remain unchanged except for some unimportant additions; but the local option



laws have been expanded by providing for county local option. The State already had local option by township, municipality, and residence district, the *modus operandi* being a special election held on the petition of one-fourth of the voters of the township, municipality or residence district. Especially elaborate are the provisions of the Jones law relating to local option by residence district.

But not content with this, a county local option law was enacted in March, 1908, known as the Rose law. It bears the title, "Further to provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in counties."

Whenever 35 per cent. of the qualified electors of any county shall petition the commissioners or any common pleas judge for a special election to determine whether the sale of intoxicating liquors as a beverage shall be prohibited in a county, such election shall be held in not less than twenty nor more than thirty days from the filing of the petition. The elections are held in the same manner as other general elections.

If a majority of the votes cast are in favor of prohibiting the sale of intoxicating liquors as a beverage, then such sale becomes unlawful after thirty days from the election. Whoever thereupon sells or gives away any intoxicating liquors as a beverage is held guilty of a misdemeanor and liable to a fine of not more than two hundred dollars nor less than fifty dollars for the first offense, rising to a fine of from two hundred to five hundred dollars for any subsequent offense. A bond must be furnished in the sum of one thousand dollars to insure compliance with the law.

The sale by regular druggists for exclusively known medicinal, pharmaceutical, scientific, mechanical or sacramental purposes, is permitted.

At any time within three years after an election under this act another election may be petitioned for and ordered in the manner provided, but the provisions of the act do not affect or repeal in any way other laws or ordinances prohibiting throughout any municipality, township, or residence district the selling or giving away of intoxicating liquors as a beverage.

The validity of an election under this act may be contested by any qualified voter if he file a petition with the probate court within ten days after election. The probate judge has final jurisdiction in such cases.

Clubs or societies are prohibited from giving away liquors in prohibited or local option territory.

It is made the especial duty of prosecuting attorneys of the county and the attorney of any village or the city solicitor of any city to prosecute violations of this act.

While the Rose law is more liberal than that of the local option law of Indiana, inasmuch as a larger percentage of the voters must sign a petition for an election, it does not give both sides to the question an equal opportunity to make majority rule felt. The county may by a large vote decide against prohibition for the entire county and yet practically all the territory may be brought under local prohibition through special elections held under the Jones act.

#### OKLAHOMA:

Although the State is under constitutional prohibition for twenty-one years dating from December, 1907, a dispensary law was passed in 1908 providing for the sale of liquors for medicinal, sacramental, scientific and industrial purposes, under which State agencies should be established for the purpose of carrying on such sales. The law established one agency in each incorporated town of 2,000 inhabitants, or one at some place in each county having no such town, sales to be made only upon prescription. Druggists were to be put under bond not to use liquors obtained from the agencies except for medicinal purposes and were limited as to the quantity of liquor they could have on hand at any one time. Local agents were forbidden to sell more than one "package" of spirituous liquors or more than three gallons of malt liquors to any one person in any one day.

This law has since been declared unconstitutional, but it is likely to be revived in some other form.

#### VIRGINIA:

The so-called Byrd law became operative in March, 1908. It is an unusually elaborate and, in some respects, very stringent high license measure. Some of its more noteworthy features follow:

Ardent spirits are defined as any liquor containing  $2\frac{1}{4}$  per cent. alcohol. Licenses are divided into five classes: (1) Wholesale; (2) retail; (3) malt liquor bar license; (4) sample liquor merchant's license; (5) social club license.

Of peculiar interest are the regulations in regard to club licenses as they are more circumstantial and restrictive than in any other State. No such license may be granted to any social club in any no-license or local option territory. The club applying for a license must furnish a list of the names of all the members and of its officers, together with their place of residence; must post and have published a notice of the application two weeks in advance, and must furnish a bond of \$5,000 approved by the court, conditioned for the faithful compliance with the provisions of the law. In order to be licensed, a club must possess a clubhouse or club rooms (not less than four) which have been continuously open for the exclusive use of its members and their guests for a period of twelve months preceding the application. The club must furthermore be possessed of not less than thirty members all of whom shall be twenty-one years of age and who pay dues aggregating not less than eight dollars a year. It must also be shown that an initiation fee of not less than five dollars has been paid by all members, and that the club shall be actually managed by regularly appointed governors who, at the time of application, must be men of such character and standing that, in the opinion of the court, they are eligible for such privilege.

A druggist desiring to sell ardent spirits must take out a retail liquor dealer's license, unless he confines himself to the sale of liquors used in the preparation of medicine.

Licenses for the sale of spirits are granted only as follows: (a) within towns of five hundred inhabitants or more; (b) to hotels and clubs; (c) in a community contiguous to a city having adequate police protection and a population of at least five hundred within a radius of one-half mile of the place where the business is to be conducted; (d) in incorporated cities.

Licenses are granted by the circuit or corporation court of the county or city where they are to be exercised, except that of a sample liquor merchant, which shall be obtained from any circuit, corporation or hustings court and carries with it the privilege of doing business anywhere in the State. The license fee of a sample liquor merchant is five hundred dollars. For every agent or salesman employed to sell as a sample liquor merchant a fee of five hundred dollars must be paid. Other license fees are for wholesale of spirits, \$450; for wholesale of malt liquors only, \$150; malt liquor bar license, \$200; ardent spirits license at retail, \$450. If the latter is

exercised in a hotel there is an additional fee of one dollar for each room available for guests.

A brewer's license costs \$150 and entitles him to sell his product in quantities of two dozen pints or more at any place within the State except when his manufactory is situated in a no-license territory, in which case sale and delivery shall be made at the place of manufacture.

No one, including clubs, may sell liquor on Sunday or Christmas day to minors, students, habitual drunkards, etc., nor at stated times on election days.

To drink intoxicating liquors of any kind on a passenger train (except in buffet, dining room and Pullman cars), except by special permission obtained from the conductor, is made a misdemeanor punishable by a maximum fine of fifteen dollars.

Special provision is made for the manufacture and sale of "malt beverage," which is defined as a non-intoxicating product of a brewery, containing not more than 2½ per cent. of alcohol. Only a person holding a manufacturer's malt liquor license may manufacture "malt beverage" and must pay for the privilege an additional license tax of \$250 and give a bond of \$10,000. "Malt beverage" may only be sold by the manufacturer direct to the consumer (not to be drunk on the premises) in quantities of not less than one-half dozen bottles. Pure apple cider is not subject to the provisions of the act.

Throughout the act a license is designated as a "privilege." There is implied intention that the licensing authorities (the courts) shall be governed in granting a "privilege" by what they consider may best conduce to the welfare of the community.

## II.

### OTHER LEGISLATION OF 1908.

Brief mention is made below of some of the minor legislation passed or defeated, affecting various States.

*Kentucky:* A pure food law was passed identical with the federal, except that it does not exempt the retailers selling unattested packages under the manufacturer's registered guaranty.

The charter of second class cities was so amended that the city council may impose a retail license not exceeding \$500.

An act was passed making it unlawful for distillers to sell on their premises except to wholesale dealers and licensed retailers. The act prevents the operation of small stills carried on in prohibition districts solely for the purpose of supplying the local trade through a jug and bottle business.

The "county unit bill," providing for local option by counties was passed in the House, but did not reach the Senate.

*Maryland:* Bills were passed granting three counties local option. The general local option law introduced was defeated. For Baltimore the retail license fees were increased from \$250 to \$500; in 1909 they are to be \$750 and thereafter \$1,000. Clubs must pay similar rates.

*Massachusetts:* Of the multitude of bills attempted the only one passed was of minor importance. It gives the licensing boards in Boston authority to suspend a license during a stated period for an infraction of the law. Previously there was no option in such cases and the license had to be revoked.

The so-called district option bill, which would divide Boston into eight districts, giving each the right to vote separately on the license question, was again defeated.

*New Jersey:* A bill was passed for the appointment of a State commission to investigate the whole excise question and report to the next Legislature. Another law enacted imposes a license of \$100 on all peddlers of bottled goods. The proposed local option law was defeated.

*Ohio:* Five laws were passed: (1) prohibiting the use of intoxicants while on board an engine or car; (2) providing for local option (see preceding pages); (3) to prevent pocketing of saloons in residential districts by having in such districts an insufficient number of voters to affect a remonstrance; (4) making a second offense against liquor laws punishable by a fine and abatement of the place of sale as a nuisance, or requiring the offender to give a bond of \$1,000 for good behavior; (5) supplementing the search and seizure law as to petitions in error, making C. O. D. shipments as of the place of destination, where goods are delivered or money paid, and forbidding clubs in no-license districts from furnishing liquors.

*West Virginia:* The Legislature refused to consider a general local option law.

*Proposed Congressional Legislation:* During the first session of the Sixtieth Congress, which convened in December, 1907, there were offered by fifty-three different members, representing twenty-six States and one Territory, no less than seventy-nine bills affecting the liquor traffic in the same way. At the session of 1907-8 none of these bills were passed. How many will be revived remains to be seen.

A complete list of these bills would not be worth while as many of them aim at the same thing. Some of the most important are given below. It will be observed that most of the bills were introduced by men from the South and that their object is to secure prohibition or to make it effective.

H. R. 32. By MR. WALLACE, Arkansas:

"To regulate the transportation of intoxicating liquors from one State to another as interstate commerce and for other purposes."

H. R. 40. By MR. CANDLER, Mississippi:

"To prevent the sale of vinous, spirituous, malt or intoxicating liquors in the District of Columbia."

H. R. 81. By MR. BARTLETT, Georgia:

"Prohibiting the issuance to, or the payment of taxes by wholesale or retail liquor dealers in any State, county or municipality where, by the laws of such State, county or municipality, the sale of foreign or domestic distilled spirits or wines is prohibited."

H. R. 103. By MR. WILLIAMS, Mississippi:

"That all persons are prohibited from importing into the United States from any foreign country and from transporting into one State from another State \* \* \* any spirituous, malt, or vinous liquors forbidden by the laws or police regulations of that State to be sold therein, or prohibited by law to be sold in the county or municipality to which they are transported, when said spirituous, vinous or malt liquors so transported into such State, county or city are carried C. O. D. or in a manner so that the carrier thereof is charged with the duty of collecting money in payment for the same or doing any other act as agent for the seller necessary to complete or perfect the sale."

H. R. 192. By MR. MACON, Georgia:

"To prohibit the collection of a revenue tax, or the granting of other authority permitting or authorizing the sale or giving away

of foreign or domestic distilled spirits, intoxicating liquors, wines, or any compound thereof in any district or territory of any of the several States or Territories of the United States of America where the sale or giving away of such foreign or domestic distilled spirits, intoxicating liquors, wines, or any compound thereof are prohibited by the laws of said States or Territories, and for other purposes."

H. R. 297. By MR. HEPBURN, Iowa:

"To limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases."

H. R. 3,958. By MR. GARRETT, Tennessee:

"To forbid the licensing by the United States of any pursuit or business forbidden by State, Territorial or municipal laws."

H. R. 3,983. By MR. AIKEN, South Carolina:

"To limit the effect of the regulation of commerce between the several States and Territories, as to intoxicating liquors, etc."

H. J. Res. 37. By MR. ACHESON, Pennsylvania:

"That an additional tax of one dollar per barrel be imposed annually on each barrel of beer brewed in the United States, and that the amount realized from this additional tax be set aside by the Secretary of the Treasury as a fund for the improvement of the waterways of the country."

H. R. 4,779. By MR. LAMB, Virginia:

"To authorize citizens of the District of Columbia to vote on an excise law."

H. R. 4,859. By MR. ACHESON, Pennsylvania:

"To forbid interstate transportation of liquors."

H. R. 9,086. By MR. SIMS, Tennessee:

"To prohibit manufacture and sale of intoxicating liquors in the District of Columbia."

H. R. 10,483. By MR. CALE, Alaska:

"Amending Criminal Code of Alaska concerning the liquor traffic."

H. R. 10,486. By MR. CLAYTON, Alabama:

"To limit the effects of the regulation of commerce between the several States and with foreign countries in certain cases." (Liquor.)

H. R. 11,301. By MR. PEARRE, Maryland:

"To aid the States in the enforcement of their liquor laws."

H. R. 11,828. By MR. LAMAR, Missouri:

"To prohibit the United States from issuing a license authorizing manufacture or sale of intoxicating liquors in States, etc., where prohibited, and to prohibit interstate carriers from bringing intoxicating liquors into such territory, etc."

H. R. 11,830. By MR. CLARK, Florida:

"To prevent express companies, etc., from delivering interstate shipments of intoxicating liquors to persons, etc., in any town, etc., where prohibited, etc."

H. R. 12,405. By MR. TIRRELL, Massachusetts:

"To prevent the sale of intoxicating liquors in buildings, ships, navy yards, parks and other premises owned or used by the United States Government."

H. R. 13,656. By MR. BOWERS, Mississippi:

"To subject intoxicating liquors transported from one State into another, for delivery or sale to the laws and regulations of such latter State, and to prohibit the issuance of Federal licenses to sell same in prohibited localities."

H. R. 13,658. By MR. HEFFIN, Alabama:

"To prevent the sale of intoxicating liquors in the new union railroad station in Washington, District of Columbia."

H. R. 15,116. By MR. ACHESON, Pennsylvania:

"To forbid the transmission through the United States mail of any kind of newspaper, circular, pamphlet or publication containing any advertisement of any intoxicating liquors."

H. R. 15,650. By MR. ACHESON, Pennsylvania:

"To prohibit the sale of intoxicating beverages in the Canal Zone."

H. R. 16,745. By MR. HUMPHREYS, Mississippi:

"To prevent payment of special tax on retail liquor dealers under assumed or fictitious name, etc."

H. R. 16,750. By MR. DE ARMOND, Missouri:

"To prohibit and prescribe the punishment for the shipping and carrying in interstate commerce, in certain cases, of intoxicating



liquors, etc., and to forbid and prescribe the punishment for issuing of and collecting or accepting any tax or fee for any authorization or permit to sell any such liquor in prohibition territory."

H. J. Res. 143. By MR. ACHESON, Pennsylvania:

"Proposing an amendment to the Constitution of the United States providing that the manufacture, sale and importation of intoxicating liquors, including beer, ale and wine, \* \* \* shall be prohibited in the United States and territories, etc."

H. R. 19,081. By MR. ACHESON, Pennsylvania:

"Providing that in the military service preference shall hereafter be given in promotions and in important details to total abstainers."

H. R. 19,469. By MR. BYRD, Mississippi:

"To subject to the laws of any State or Territory all intoxicating liquors shipped therein by railroads, express companies and steamship companies."

H. R. 19,539. MR. HUMPHREYS, Mississippi:

"To increase the tax on distilled spirits, beer and playing cards."

H. R. 20,313. By MR. SMITH, Michigan:

"Making drunkenness in the District of Columbia a misdemeanor, and to provide a hospital for inebriates and for other purposes."

H. R. 21,535. By MR. DE ARMOND, Missouri:

"Concerning permits to sell intoxicating liquors."

H. R. 21,558. By MR. CLARK, Florida:

"To prohibit the receipt of money in payment of special taxes as dealers in intoxicating liquors by internal revenue officials of the United States, except in certain cases, and to provide punishments for its violation."

H. R. 22,007. By MR. BENNETT, New York:

"Authorizing the appointment of a commission to collate information concerning the alcoholic liquor traffic and to consider and recommend any needful legislation in relation thereto."

#### SENATE BILLS.

S. 46. By MR. GALLINGER, New Hampshire:

"Providing that the Federal Government shall not grant liquor-tax receipts to persons residing in prohibition territory, State or local."

S. Res. 42. By MR. TILLMAN, South Carolina:

"Instructing the Committee on the Judiciary to consider and report whether it is practicable for the National Government to discontinue the issuing of permits to retail dealers in States or counties and municipalities where local option prevails prohibiting the sale of liquors."

S. Res. 55. By MR. CLAY, Georgia:

"Instructing the Judiciary Committee to report, at the earliest convenient day, a bill providing that intoxicating liquors, etc., transported into any State or Territory, etc., shall upon arrival within the borders of the State, and before and after delivery to the consignee in such State, be subject to the laws of such State," etc., also "to consider, and report whether Congress has the constitutional right to pass a bill prohibiting the transportation of liquors," etc.

S. 6,264. By MR. GALLINGER, New Hampshire:

"To regulate the sale of intoxicating liquors in the District of Columbia."

### III.

#### RESULTS OF STATE ELECTIONS UPON FUTURE LEGISLATION.

Two facts stand out prominently as the State elections of 1908 are reviewed: (1) The extent to which the liquor question was made a political issue; (2) the emphatic disapproval registered in many States against proposed restrictive measures, particularly against the introduction of county local option.

Never before in the history of the country has the liquor issue so generally gained prominence in State campaigns. Where the question of State-wide prohibition was not to the fore, the fight centered upon county local option for which there was a concerted movement along the whole line. This was not surprising. Signal victories for county local option had been won in Ohio and Indiana prior to the State elections. And county local option has been discovered as a convenient means of forcing upon municipalities by aid of a large rural vote a policy to which the municipalities are likely to be opposed. At no time have the forces arrayed against the

liquor traffic conducted a campaign with greater vigor and with so lavish an expenditure of money. The hoped-for victories did not materialize, and in some places an emphatic protest was registered against restrictive legislation already enacted.

Below is a summary, by States, of some of the most notable results of the State elections:

*Colorado:* The liquor question was not an issue so far as the governorship was concerned, but a strong effort was made to elect a legislature favorable to county local option. A majority of the new legislature appear to be opposed to such a measure.

*Florida:* The State primaries held in June resulted adversely to State-wide prohibition. The mandate of the primaries was ratified at the State election, the governor and legislature chosen being opposed to prohibition.

*Idaho:* The majority of the legislature chosen are opposed to county local option, which was a prominent issue in the State election, but did not enter into the campaign for the office of governor.

*Illinois:* The question of county local option was made a leading question in the campaign for the legislature. It is estimated that 75% of the next legislature will be found opposed to county local option. The Prohibition party will have no representatives in the legislature, although they formerly had a few.

*Indiana:* A county local option law had been forced through at a special session of the legislature just prior to the State election. While the State gave a majority for the Republican Presidential nominee, the Republican candidate for governor was beaten by his Democratic opponent on account of the county local option law. Moreover, the next legislature has a Democratic majority as a result of a popular protest against the same law.

*Maine:* The question of the resubmission of the prohibition law dwarfed all other issues at the September election. National politics were lost sight of and party lines obliterated. Although the Republican governor was elected by a majority of 8,000 (the normal Republican majority is 30,000), the overturn was so decided that resubmission is certain to be the chief issue in the campaign of 1910. Although a nominal victory for prohibition, the result amounted to

a moral defeat for those opposed to resubmission, and carries with it the strongest evidence of the ineffectiveness of the present law. If it had not been a failure it would have been upheld.

*Minnesota:* The question of local option entered very largely into the campaign for the next legislature. The Republican candidate for governor, who had declared strongly for county local option, was defeated by a large majority and it is estimated that the new legislature stand two to one against such a measure.

*Nebraska:* The county local option question was a prominent factor in the campaign for the legislature, but did not touch the gubernatorial campaign. A majority of the new legislature are regarded as opposed to county local option.

*New Jersey:* Local option was the main issue in the election of members to the legislature. Most of the candidates and all the leading ones in favor of local option were defeated.

*Ohio:* The Republican candidate for governor who had favored the Rose County Local Option Law passed early in the year, and who was on record as in favor of State-wide prohibition, was defeated by his Democratic opponent, although the State gave the national Republican nominees a large majority. The result can only be construed as an emphatic protest against the so-called "Rose Bill."

*Oklahoma:* The State Dispensary Law passed by the last legislature and submitted for ratification was defeated. This law aimed to ease up the prohibition restrictions by authorizing in a very limited way the sale of liquor for certain purposes.

*Rhode Island:* The question of licenses or no-license was submitted in all the towns and cities of the State and city elections. Previously there had been 23 licensed and 18 no-license towns. As a result of the election, there are now 30 license towns and 11 no-license (mostly small places), a net loss for no-license of 7.

*South Dakota:* The question of county local option was submitted to the entire State under the law of initiative and referendum and was defeated by a majority of 7,000.

*Tennessee:* The Democratic governor re-elected in conformity with the primaries of June, is opposed to State-wide prohibition. A legislature favoring the same was chosen.

*Texas:*<sup>1</sup> The legislature elected will have to pass upon the question of submitting to the people a constitutional amendment providing for State prohibition. The result appears to be in doubt.

*Washington:* The new legislature chosen is favorable to local option but opposed to county local option. The question was an issue in the election of governor.

*West Virginia:* The legislature elected is opposed to State prohibition, but apparently favorable to local option.

*Wisconsin:* A strong effort was made to elect a legislature favorable to county local option, but without success.

#### IV.

#### THE PROBABLE TREND OF LEGISLATION.

There are few signs that the prohibition wave which has swept up from the South is about to recede. Only those who are ignorant of the history of the past will dare predict that the wave has already reached its highest point. Like all previous emotional movements, the present one is transitory, of course. But it has been a long time in gathering momentum and is not likely to disappear of a sudden, although it may undergo some changes. The first temperance movement in the United States required more than ten years to reach a climax. That was in the twenties of the last century. Its successor, in the fifties, also lasted for many years. All these movements bear a strong resemblance to each other. The propelling power, then as now, has chiefly been emotion backed by religious sentiment.

To make clear the meaning of the present prohibition movement, it is worth while to consider how it originated in the South. No one has stated the cause so authoritatively as Mr. William G. Brown in an article in the *Century* for July, under the title "The South and the Saloon."

"It would not be a bad generalization," he says, "that the South has recently come into the phase of democracy in which government stretches its authority to the uttermost in the endeavor to enforce absolute moralities. Government is for the time being well-nigh Puritanized." The formerly ruling "aristocracy" has been replaced

by the 'common' people, who have awakened to a new sense of independence and power. The process has been a gradual one, but hastened by the great industrial changes in the South. In short, the negro eliminated, majority rule has now come to prevail as generally among Southern white men as in the North; and, as in the North, the majority are plain or "common" men.

In the South the far greater mass of plain people or 'common' are nearly all Methodists or Baptists. They take their moral and religious guidance from the ministry, described as "none too well equipped intellectually, and deriving no aid from any superiority in birth or breeding to the people whom they serve. They preach incessantly; they make daily rounds of visits to the homes of their communicants; they keep in touch with one another, and study their people as closely as the most observant politician; they do not neglect the ever-evidencing influence of women. \* \* \* It is these men in the South who have taken the lead in the now almost world-wide movement for prohibition."

The Episcopal church, with which the old aristocracy have always been affiliated, has hardly ever taken an active part in this movement, and its leaders have often opposed it. The Catholic church, which is not strong in the South, has observed much the same attitude. "The Presbyterians seldom advocate prohibition from the pulpit. But the Baptist and Methodist preachers commit themselves to it unreservedly, inside and outside the pulpit. They are for prohibition by local option as against the high license and dispensaries, but for State prohibition as against local option. Temperance they have virtually ceased to preach, demanding instead that government ought to compel all men to become teetotalers. And it is these congregations which supply the readiest converts to the policy."

The movement, no doubt, has been hastened on by other conditions. "To the small farmer or shopkeeper or artisan of the South, the drink habit presents itself in the crudest and least defensible form. The use of wine with food is virtually unknown. Beer is not uncommonly drunk in the cities, but does not find its way into the country. Accordingly, to drink means ordinarily to drink whiskey, and in surroundings the least conducive to moderation and decency. It means, therefore, deplorably often not merely drunkenness, but rowdyism.

"The greed of the liquor dealers and the brewers behind them,

and their amazing contempt of public sentiment, have contributed to render the drinking habits of the South as unlike as possible to those of Southern Europe where wine drinking is general, even among the peasants, and drunkenness extremely rare.

"A year ago a local option leader of North Carolina claimed that nine-tenths of the people of that State were living in prohibition territory and that there were within its limits only one-fifth as many saloons as in Kansas, which has had State prohibition for a quarter of a century. The same authority makes the exceedingly significant statement that the South having turned from the local option plan to State prohibition, is now 'in full cry on the coldest train in its history.'

"Arguments of reason or experience are dispensed with by these people. Serious studies of the liquor problem are unknown to them. The chairman of the Prohibition Committee in a city which not long ago voted to exclude the saloon had not even heard of the Prohibition Year Book, much less of weightier documents." As Mr. Brown describes it, and the instance is typical, "the fight was won in fact mainly by the devices of a Methodist revival; by terrifying and rather coarsely emotional oratory from pulpit and platform; by parades of women and children drilled for the purpose; by a sort of persecution not stopping short of an actual boycott of prominent citizens inclined to vote 'wet'; by the Anti-Saloon League's very effective and short method with politicians whom it convinced that they have more to lose by offending the League than by deserting the saloon keeper; and finally by fairly mobbing the polls with women and children, singing and doing everything conceivable to embarrass and frighten every voter who appeared without a white ribbon in his lapel.

"It is this method, gradually perfected in campaign after campaign, that has won for prohibition so many victories in the towns and counties. It is the politicians' absolute helplessness against such methods and the success of the Anti-Saloon League in its determination to teach them that the most dangerous thing for a politician to tamper with is saloon votes, which has suddenly won over to State prohibition legislatures full of men who never before gave any help to the temperance cause."

The methods by which a professedly moral cause has been advanced in the South must inspire thoughtful men with a distrust of the permanence of the good results of the movement. Indeed,

no moral cause is ever permanently advanced except by fair appeals to a deliberate public opinion and an uninflamed public conscience. It is certain, however, that the depth of the feeling in the South against the saloon is very real.

"The saloon can never be again in the South what it has been in the past. That the politicians will ever again serve it as they once did is not believable. They have been too thoroughly, too ludicrously frightened."

It has frequently been said that the presence of the negroes in the South determined the vote for prohibition. No doubt it had some influence. It is a fact, however, that this argument has not generally been employed. "On the temperance question, no race line has been drawn. Whites and blacks are divided on it with little or no reference to its bearing on the racial relations."

Having received its present impetus from the South, the present prohibition movement of the North exhibits essentially the same characteristics. There is, however, in the North a *pseudo* appeal to reason and to facts. But, in the words of Prof. Münsterberg: "This spring flood of prohibition legislation which has overrun the States shows few signs of deeper connection with serious study and fewer signs of profit from the experiments of the past. When the Chinese government made laws against intemperance about eleven hundred years before Christ, it can hardly have gone more hastily to work than the members of the movement of the twentieth century of Christ. It is unworthy of women and men who want to stand for sobriety to allow themselves to become intoxicated with hysterical outcries, when a gigantic national question is to be solved."

That the tide of emotional legislation will set generally toward State-wide prohibition in the North may well be doubted. This is the ultimate goal, of course, but one to be reached *via* county local option.

The recent concerted efforts for county local option point strongly in this direction. While such is likely to be the trend of agitation, Congress will continue to be besieged for legislation forbidding the importation of liquors into "dry" territory from another State. A reconstruction of the Interstate Commerce law for this purpose is actively on the programme.

There may be many a backward step; emotional legislation may in a characteristic manner undo its own gains. But there will not be a return to the old order of things, South or North. If an en-



lightened public opinion will not be content with the farce of emotional legislation, it will no more tolerate that the manifest evils of the liquor traffic go unchecked. Progress toward a rational settlement of this great national problem is retarded by the forces opposing each other at the two extremes. The agitation of the past has brought into being a brood of professional "reformers." It is their means of livelihood to preach, not temperance or abstinence, but some form of prohibition. Their selfishness is as much opposed to all restrictive legislation as is the greed of certain elements of the trade to progressive measures that would eliminate undisputed and crying evils.

There are signs of saner views which, when they once prevail, will lead to rational action. There is a growing demand for an unprejudiced treatment of the whole subject. Recent writings reflect it. To be sure, most of the recent articles published on the liquor question are for popular consumption, and more or less tinged by what the writer wishes to prove, or by what may be approved by most readers. Such articles as those which have appeared in *Collier's*, for instance, may serve a purpose, but cannot be accepted as the results of unbiased investigation.

#### MÜNSTERBERG ON PROHIBITION AND SOCIAL PSYCHOLOGY.

Perhaps the most remarkable contribution to current discussion is that by Professor Hugo Münsterberg, the well-known psychologist, in *McClure's* for April, 1908, under the title, "Prohibition and Social Psychology." It treats the subject from a little understood point of view. Some extracts follow:

"\* \* \* No problem has, in America, a fair hearing as soon as one side has become the fashion of mind. Only the cranks come out with an unbalanced, exaggerated opposition and thus really help the cause they want to fight against. The well-balanced thinkers keep quiet and simply look on while the movement rushes forward, waiting quietly for the reaction which sets in from the inner absurdity of every social extreme. The result is too often an hysterical zigzag movement, where fearlessness might have found a middle way of steady progress.

"Exaggerated denunciation of the prohibition movement is, of course, ineffective. Whoever simply takes sides with the saloon keeper and his clientele—yes, whoever is blind to the colossal harm which alcohol has brought and is now bringing to the whole country

—is unfit to be heard by those who have the healthy and sound development of the nation at heart.

“But is this undeniable fact really a proof of the wisdom of prohibition? The railroads of the United States injured last year more than one hundred thousand persons and put out seven thousand hopeful lives; does any sane man argue that we ought to abolish railroads? The stock exchange has brought in the last year economic misery to uncounted homes, but even at the height of the panic no one wanted to destroy the market for industrial stocks. How much crime and disaster and disease and ruin have come into the lives of American youth through women, and yet who doubts that women are the blessing of the whole national life? To say that certain evils come from a certain source suggests only to fools the hasty annihilation of the source before studying whether greater evils might not result from its destruction, and without asking whether the evils might not be reduced, and the good from the same source remain untouched and untampered with. Even if a hollow tooth aches, the modern dentist does not think of pulling it; that would be the remedy of the clumsy village barber. The evils of drink exist, and to neglect their cure would be criminal, but to rush on to the conclusion that every vineyard ought, therefore, to be devastated is unworthy of the logic of a self-governing nation. The other side has first to show its case.

“This does not mean that every argument of the other side is valid. In most of the public protestations, especially from the Middle West, far too much is made of the claim that all the puritanic laws and the whole prohibitionist movement are an interference with personal liberty. It is an old argument indeed, ‘Better England free than England sober.’ For public meetings it is just the kind of protest which resounds well and rolls on nobly. We are at once in the midst of the ‘most sacred’ rights. Who desires that America, the idol of those who seek freedom from the tyranny of the Old World, shall trample on the right of personal liberty? And yet those hundreds of singing societies which have joined in this outburst of moral indignation have forgotten that every law is a limitation of personal liberty. \* \* \*

“Yet the political aspect does not concern the social psychologist. I abstract from it as from many others. There is, indeed, no limit to the problems which ought to be studied most seriously before

such a gigantic revolution is organized. The physician may ask whether and when alcohol is real medicine, and the physiologist may study whether it is food and whether it is rightly taken as helpful to nutrition; but this is not our problem. \* \* \* It is matter for the economist to ask what will become of the hundred thousands of men who are working today in the breweries and related industries. A labor union claims that 'over half a million men would be thrown out of employment by general prohibition, who, with their families, would make an army of a million human beings robbed of their means of existence.' And the economist, again, may consider what it might mean to take out the license taxes from the city budgets and the hundreds of millions of internal revenue from the budget of the whole country. It is claimed that the brewers, maltsters, and distillers pay out for natural and manufactured products, for labor, transportation, etc., seven hundred million dollars annually, that their aggregate investments foot up to more than three thousand millions; and that their taxes contribute three hundred and fifty millions every year to the public treasuries. Can the country afford to ruin an industry of such magnitude? Such weighty problems cannot be solved in the Carrie Nation style; yet they are not ours here. \* \* \*

"Nearer to our psychological interest comes the well-known war-cry, 'Prohibition does not prohibit.' It is too late in the day to need to prove it by statistics; every one knows it. No one has traveled in prohibition States who has not seen the sickening sight of drunkards of the worst order. The drug stores are turned into very remunerative bars, and through hidden channels whiskey and gin flood the community. The figures of the United States Commissioner of Internal Revenue tell the story publicly. \* \* \* But the secret story is much more alarming. What is the effect? As far as the health of the nation and its mental training in self-control and in regulation of desires are concerned, the result must be dangerous, because, on the whole, it eliminates the mild beverages in favor of the strong drinks and substitutes lonely drinking for drinking in social company. Both are, psychologically and physiologically, a turn to the wrong. It is not the mild beer and light wine which are secretly imported; it is much easier to transport and hide whiskey and rum, with their strong alcoholic power and stronger effect on the nerve cells of the brain. And of all forms of drinking none is more ruinous than the solitary drink, as soon as the

feeling of repugnance has been overcome; there is no limit and no inhibition. \* \* \*

"But man is not only a nervous system. Prohibition forced by a majority on an unwilling minority, will always remain a living source of the spirit of disregard for law. Yet, 'unwilling' minority is too weak an epithet, the question is of a minority which considers the arbitrary rule undemocratic, absurd, immoral, and which really believes that it is justified in finding a way around a contemptible law. \* \* \*

"Judges know how rapidly the value of the oath sinks in courts where violation of the prohibition laws is a frequent charge, and how habitual perjury becomes tolerated by respected people. The city politicians know still better how closely blackmail and corruption hang together, in the social psychology, with the enforcement of laws that strike against the belief and traditions of wider circles. The public service becomes degraded, the public conscience becomes dulled. And can there be any doubt that disregard of law is the most dangerous psychological factor in our present-day American civilization? It is not lynch law which is the worst; the crimes against life are twenty times more frequent than in Europe, and as for the evils of commercial life which have raised the wrath of the whole well-meaning nation in late years, has not disregard of law been their real source? In a popular melodrama the sheriff says solemnly: 'I stand here for the law'; and when the other shouts in reply, 'I stand for common sense!' night after night the public breaks out into jubilant applause. To foster this immoral negligence of law by fabricating hasty, ill-considered laws in a hysterical mood, laws which almost tempt toward a training in violation of them, is surely a dangerous experiment in social psychology. \* \* \*

"The question of the liquor trade and temperance—which is so widely different from a hasty prohibition—has engaged the minds of all times and of all nations, and is studied everywhere today with the means of modern science. But this spring flood of prohibition legislation which has overrun the States shows few signs of deeper connection with serious study and fewer signs of profit from the experiments of the past. When the Chinese government made laws against intemperance about eleven hundred years before Christ, it can hardly have gone more hastily to work than the members of this movement of the twentieth century after Christ. It is unworthy of women and men who want to stand for sobriety to allow themselves

to become intoxicated with hysterical outcries, when a gigantic national question is to be solved, a question which can never be solved until it is solved rightly. A wrong decision must necessarily lead to a social reaction which can easily wipe out every previous gain. \* \* \*

"Progress is to be hoped for only from the most careful analysis of all the factors of this problem; yet, instead, the nation leaves it to the unthinking, emotional part of the population. \* \* \* When leading scholars bring real arguments on both sides of the problem, their work is buried in archives, and no one is moved to action. But when a Chicago minister hangs the American flag over his pulpit, fastens a large patch of black color on it, declares that the patch stands for the liquor evil which smothers the country, denounces wildly the men who spend for whiskey the money which ought to buy medicine for sick children, and then madly tears the black cloth from the stars and stripes and grinds it under his heel—then thousands rush out, as excited as if they had heard a convincing argument. And this superficiality is the more repellent because every glimpse below the surface shows an abundance of cant and hypocrisy and search for cheap fame and sensationalism and still more selfish motives mingled with the whole movement; even the agitation itself, with its threats of ruin, borders too often on graft and blackmail and thus helps to debauch the public life. \* \* \*

"Psychologically, the case stands thus: alcohol has indeed an inhibitory influence on mind and body. The feeling of excitement, the greater ease of motor impulse, the feeling of strength and joy, the forgetting of sorrow and pain—all are at bottom the result of inhibition; impulses are let free because the checking centers are inhibited. But it is absurd to claim from the start that all this is bad and harmful, as if the word inhibition meant destruction and lasting damage. Harmful it is, bodily and socially, when these changes become exaggerated, when they are projected into such dimensions that vital interests, the care for family and honor and duty are paralyzed; but in the inhibition itself lies no danger. \* \* \*

"It was a well-known philosopher who coupled Christianity and alcohol as the two great means of mankind to set us free from pain. But nature provided mankind with other means of inhibition, sleep is still more radical, and every fatigue works in the same direction; to inhibit means to help and to prepare for action. \* \* \*

"And are those who fancy that every brain alteration is an evil

really aware how other influences of our civilization hammer on the neurones and injure our mental powers far beyond the effects of a moderate use of alcohol? The vulgar rag-time music, the gambling of the speculators, the sensationalism of the yellow press, the poker playing of the men and the bridge playing of the women, the mysticism and superstition of the new fancy churches, the hysterics of the baseball games, the fascination of murder cases, the noise of the Fourth of July and on the three hundred and sixty-four other days of the year, the wild chase for success; all are poison for the brain and mind. They make the nervous system and the will endlessly more unfit for the duties of the day than a glass of lager beer on a hot summer's evening.

"\* \* \* How temperance can be secured, the experiences of the older nations with a similar psychological type of national mind ought to be decisive. First of all, the beverages of strongly alcoholic nature ought to be fought by those of light alcoholic effect. The whiskey of the laborers must be fought by light, wholesome beer and, perhaps, by light American wines. Further, a systematic education in self-control must be set in; the drunkard must not be tolerated under any circumstance. Above all, the social habits in the sphere of drinking must be entirely reshaped. They belong to a period where the Puritan spirit considered beer and wine as sinful and relegated them to regions hidden from decent eyes. The American saloon is the most disgusting product of such narrowness; its dangers for politics and law, health and economics, are alarming. The saloon must disappear and can be made to disappear perhaps by higher license taxation and many other means. And with it must disappear the bar and the habit of drinking standing and of mutual treating. The restaurant alone, with the hotel and the club, is the fit public place where guests sitting at tables may have beer and wine with their meals or after meals—and all controlled by laws which absolutely forbid the sale of intoxicants to certain groups of persons, to children, to inebriates, and so on. As long as drinking means to the imagination of a considerable well-meaning minority of the nation the present-day repulsive life of saloons and bars, the minority will find it easy to terrorize and to whip into line the whole country. But if those relics of a narrow time disappear and customs grow which spread the spirit of geniality and friendly social intercourse over the foaming cup, the spell will be broken. Instead of being tyrannized over by short-sighted fanatics on the one side and

corrupt saloon keepers on the other, the nation will proceed with the unanimous sympathy of the best citizens to firm temperance laws which the sound instinct of the masses will really respect. Training in self-control as against recklessness, training in harmless hilarity and social enjoyment as against mere vulgar excitement and rag-time pleasures, training in respect for law as against living under hysterical rules which cannot be executed and which invite blackmail, corruption, and habitual disregard of laws—these are, indeed, the most needed influences on the social minds of the country."

## CHAPTER III.

### LOCAL OPTION LAWS.

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#### IMPORTANT COURT DECISIONS—STATE LICENSE FEES.

**R**ECENT events have shown clearly that attempts at further restriction of the liquor traffic are for the most part likely to be in the direction of county local option. The ultimate aim of extremists is, of course, State-wide prohibition, but in lieu of it, or rather as a step toward it, county local option is occupying their immediate attention. Local option by smaller civil divisions has not yielded the expected results. It has been shown, among other things, that urban populations are not easily persuaded to abolish the liquor traffic, although the rural inhabitants of the county may strongly favor it. If, therefore, the rural vote could be added to the "dry" city vote on the question of license, it would undoubtedly result in forbidding the sale of liquors in some cities which, if left to themselves, would generally vote "yes."

Under the circumstances the present status of local option laws has a special significance. Below is a summary, by States, of such laws in force at the present time. For the sake of completeness, mention is made of States and Territories without local option, or under some other form of restriction:

*Alabama:* State prohibition.

*Alaska:* No local option law.

*Arizona:* By order of the county board, or on petition of the voters in towns, cities, counties, or sub-divisions of counties, voting on the license question, elections may take place at any time when so ordered by the county board.

*Arkansas:* The question of local option may be submitted to the voters at each general election. The policy decided upon is



operative for the two ensuing years, but does not affect the sale of wine, unless a separate vote is taken for or against such sale. The legislature, however, may pass special laws prohibiting the sale of liquor in certain counties.

*California:* Has no general local option law.

*Colorado:* Upon the petition of forty per cent. of the voters in any city, town, ward, district or precinct, a local option vote may be taken at any annual election, but having thus been taken cannot be brought before the people again until the lapse of twenty-three months.

*Connecticut:* A local option vote may be taken at annual elections upon the petition of not less than 25 voters. The vote is by towns, and a majority vote in favor of no-license also prohibits associations and clubs from keeping intoxicants for distribution among members.

*Delaware:* Under a special act of legislature, local option votes were taken in 1907, but there is no general law providing for local option.

*Florida:* A general local option law is operative under which elections may be held on the petition of one-fourth of the qualified voters; but only once in two years, and not within sixty days of any State or national election.

*Georgia:* Under State prohibition.

*Idaho:* Without a local option law.

*Illinois:* Upon the petition of one-fourth of the voters of any municipality or township, a vote may be taken on the question of license or no-license at any regular election. Eighteen months must elapse before a second vote can be taken in the same district.

*Indiana:* The recently adopted county local option law is referred to in preceding pages.

*Iowa:* Under the so-called Mulct law permits to sell at retail may be obtained upon application signed by a majority of the qualified voters of the municipality or county. In cities having a population of 2,500-5,000 the consent of eighty per cent. of the voters is required. While this peculiar state of affairs affords locali-

ties an opportunity to exercise local option, it cannot be said that Iowa is under a general local option law.

*Kentucky:* Under the general local option law a vote may be taken by cities, towns, districts or counties upon petition signed by twenty-five per cent. of the registered voters in each precinct of the territory to be affected. It is forbidden to bring liquors into any local option district and make the place of delivery of such liquors a place of sale. There are also strict regulations in regard to wholesale trade in local option districts and the delivery of intoxicants by carriers.

*Louisiana:* The State is without a general local option law, but the legislature passes special laws for local prohibition in parishes.

*Maine:* Under constitutional prohibition.

*Maryland:* Has no general local option law, but special laws providing for local option in certain districts are passed by the legislature.

*Massachusetts:* Has a general local option law providing for an annual vote by cities and towns on the question of license or no-license. A no-license vote becomes effective in June following the election at which the question was voted for. If the decision is for license the vote becomes effective on the first day of March following the election if supplanting no-license. Any beverage, except native wine, containing 1 per cent. of alcohol is considered an intoxicant. The law, however, does not apply to cider manufactured by farmers. There are stringent rules governing the transportation of intoxicants into no-license districts. Delivery can only be made to the consumer, and the package must be marked with the name and address of the consignee and consignor and show the kind and amount of liquor contained.

*Michigan:* Local option may be exercised in two ways: either through a resolution by the board of supervisors of the county prohibiting the sale within the county, or by a vote to be taken upon the petition of one-third of the qualified electors. The legislature may pass special laws prohibiting the sale of liquor in certain localities.

*Minnesota:* A vote on the question of license or no-license may be taken at the annual meeting of towns and villages, or at the annual election, on the petition of ten legal voters.

*Mississippi:* The granting or refusing of licenses may be decided by vote on a petition for it being made by a majority of the voters in any city or town, the vote is operative for twelve months. The possession of one-half gallon or more of liquor in any no-license district is *prima facie* evidence of a violation of law.

*Missouri:* Local option is provided for in counties and cities upon petition of one-tenth of the voters. The question of license or no-license having been decided, it cannot be submitted again for four years.

*Montana:* Once in two years a local option vote may be taken upon petition of one-third of the voters of the county, but not in the same month in which general elections are held.

*Nebraska:* Is without a general local option law, but as licenses are granted by county boards upon a petition of a majority of the resident freeholders of a town or precinct, and as corporate authorities in cities or villages have power to prohibit as well as to license, it is evident that the opportunity for an indirect exercise of local option is at hand.

*Nevada:* There are no provisions for local option.

*New Hampshire:* While there is no general local option law, cities and towns may exercise option as intoxicants can only be sold in places where such sale is legalized by the voters under the present license law which was passed in 1903.

*New Jersey:* Has no local option law.

*New Mexico:* Has no local option law.

*New York:* The question of license or no-license may be voted upon at any town meeting upon petition signed by ten per cent. of the voters taking part in the preceding election. Four questions must be submitted:

1. To sell liquor to be drunk on the premises where sold.
2. Selling liquor not to be drunk on the premises where sold.
3. Selling liquor as pharmacists on prescription.
4. Selling liquor by hotel keepers only.

*North Carolina:* A local option vote may be taken upon petition of one-third of the qualified voters of any city or town, but at other times than those of general elections. Three questions must be submitted:

1. Whether intoxicating liquors shall be manufactured.
2. Whether barrooms shall be licensed.
3. Whether dispensaries shall be established.

If a vote favorable to a dispensary ensues the government board appoints three commissioners to conduct it, one-half of the profits going to the county and the other half to the city or town.

(This State has lately adopted prohibition).

*North Dakota:* Is under constitutional prohibition.

*Ohio:* The so-called Rose law providing for county local option is cited on other pages.

*Oklahoma:* Is under constitutional prohibition for twenty-one years, dating from 1907.

*Oregon:* Local option elections may be held annually upon a petition of not less than ten per cent. of the qualified voters of any county or subdivision of a county, but in any case a petition must contain more than 500 names and must be filed at least thirty days before the election.

*Pennsylvania:* There is no general law providing for voting on the question of license or no license, but the legislature passes special acts providing for local option by districts. It is also within the powers of the licensing authorities (court of quarter sessions) to withhold all licenses and thus to bring about prohibition.

*Rhode Island:* As a general local option law.

*South Carolina:* Since the abolition of the State dispensary system, the question whether liquor is to be sold in any county is to be determined at a special election to be held in November of any year in which a general election occurs, upon the petition of one-fourth of the qualified voters of the county. Such a vote may not be taken oftener than once in four years. If a vote favors the sale of liquor, a county dispensary board is established. The profits from dispensary sales go to the county.

*South Dakota:* The general local option law calls for the submission of the question of license or no-license at any annual municipal election upon petition by twenty-five voters of the municipality. A new county local option law was defeated at the general election in November, 1908.

*Tennessee:* The legislature enacts special laws prohibiting the sale of all liquors in all places having less than a specified population. The result is that legal sales can only be made in a few localities. There is no general local option law.

(This State has lately adopted prohibition).

*Texas:* A local option vote may be taken on petition of 200 voters in any county in any precinct or on petition of fifty voters. Stringent measures have been taken to prevent express companies from shipping liquor into districts under no-license, and a tax of \$5,000 has been imposed on each express office or place in which liquors are delivered C. O. D. Soliciting orders in districts under no-license is also prohibited.

*Utah:* The question of licensing or prohibiting the manufacture or sale of intoxicants is decided by municipal authorities who thus may exercise local option. The State has no general law on the subject.

*Vermont:* The question of granting licenses is submitted annually and if the vote is favorable to license a town meeting may be called to determine whether a license shall be granted for the sale of liquors of all kinds or for the sale of malt liquors only. The State thus has what, in effect, is a local option law, although it is not called by that name.

*Virginia:* Under the local option law a vote may be taken once in two years on petition of one-fourth of the voters in towns having not less than 1,000 in population.

*Washington:* There is no general local option law. The question of the regulation of licenses and the sale of liquor is left to cities, towns and counties as they may see fit.

*West Virginia:* The municipal authorities have power to exercise local option.

*Wisconsin:* Any town, village or city may vote on the question of license or no-license upon petition made by ten per cent. of the

voters. Licenses may be excluded from residential districts on remonstrance of a majority of the qualified voters.

*Wyoming:* Is without a local option law.

#### RECENT COURT DECISIONS.

*Arkansas:* Judge E. W. Winfield, of the Perryville Circuit Court declared the Lee Law, passed by the Legislature of 1907, constitutional. This law forbids liquor dealers to send circulars into, to advertise or solicit business in prohibition counties. The case has been appealed to the Supreme Court.

*Georgia:* A few weeks prior to the Arkansas decision cited above, the Court of Appeals of Georgia handed down a decision declaring it unlawful for a liquor dealer to solicit business by letter in Georgia, even if such letter be sent through the mails from a city in another State. The case was brought against the R. M. Rose Company, then located at Chattanooga, charging them with soliciting liquor orders through the mails in Bartow County, Georgia. The decision of the court is so novel and of such importance that its main facts are given in full:

1. Section 428 of the penal code, which prohibits the soliciting or taking orders for the sale of intoxicating liquors in counties where such sales are by law prohibited is a police regulation, necessary for the effective enforcement of the State's prohibitory regulations. The act forbidding soliciting orders for intoxicating liquors is not affected by the extension of the scope of its operations, caused by the passage of the general prohibition act.

2. By the terms of Section 428 of the penal code, for the solicitation or taking orders for the sale of intoxicating liquors is forbidden, whether the solicitation is by the seller personally, or whether the solicitor be only an agent of the seller. To solicit the sale of intoxicating liquors by letter or circular is a crime, if the latter is intended to be delivered, and is in fact delivered as intended, in any county in the State.

- (a) The term "solicit personally" includes any act done by the seller himself which may tend to effect a sale, as contrasted with any like act "by an agent" of the seller, tending to a similar result.

(b) Whether a solicitation is personal or by an agent is not dependent upon the personal presence of the solicitor, but upon whether the means of the solicitation, whether oral or in writing, are used by an agent or by the principal himself. The solicitation of orders by mail for the sale of intoxicating liquors is personal solicitation, if the seller himself in person writes or mails the letter received by the prospective buyer..

(c) The venue of a crime committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Where a sale of intoxicating liquors is solicited by a communication, written or printed, and mailed in one State, as no crime is committed until the delivery of the letter in the State where such solicitation is forbidden, the courts of the county where the letter is received by the addressee of such letter and its contents ascertained, have jurisdiction of such offense.

3. The State may punish for a crime committed through the mails as a medium, without in any sense impinging the undoubted right of the national government to control the mails. Freedom to use the mails does not extend to their use as a means of committing crime.

4. The general power of the States to control and regulate, within their borders, the business of dealing in or soliciting orders for the purchase of intoxicating liquors is beyond question. *DeLamater vs. South Dakota*, 205 U. S. 93.

5. Under the provision of the Wilson bill, a statute which (in aid of a police regulation prohibiting the sale of intoxicating liquors within a State or any portion thereof) prohibits the solicitation of orders is not, for the reason that such statute conflicts with the power of Congress to regulate and control interstate commerce, void as to orders solicited in said State, although the seller and the liquor to be sold may both be in another State; because such regulations in no wise encroaches upon the power of Congress to control interstate commerce. The exercise of such State regulations, so far from being in conflict with the power of Congress to regulate interstate commerce, is expressly allowed by law. 26 Stat. 313, c. 718.

6. A corporation may be indicted and punished for any violation of law by its servants and agents in the conduct of its business

which it commands or ratifies. That the servant may also be punished does not relieve the corporation.

In a decision handed down in October, Judge Ellis, Superior Court of Atlanta, declared the law imposing a \$200 license for the privilege of selling the so-called "near beer" and \$500 for the right of manufacturing the article constitutional. The act imposing this tax was passed by the last legislature and designed to raise revenue for the support of convicts. An appeal will be taken from the decision.

*Indiana:* The Supreme Court of Indiana declared in a recent decision:

"In the absence of legislation, the business of selling intoxicating liquors has universally been recognized as lawful, but there is no inherent right in the people to engage in such a traffic in any such sense as to remove it from the sphere of legislative control. \* \* \* In the absence of constitutional inhibition it is competent for the legislature of a State to delegate to municipal corporations power to control and regulate the liquor traffic within prescribed territory."

The important point is the recognition of the power to restrict. It is held that cities have a right to enact ordinances restricting the sale of liquor to the business district by boundaries. Under the new statute, boundaries may be defined and their establishment must be left to the discretion of the municipality.

*Iowa:* In a decision adverse to the United Brewers' Company, of Davenport, which was seeking an injunction against the Civic Federation to prevent its interfering with saloon fixtures and leasehold rights in Scott County, Judge Smith McPherson, of the United States Court, declared that the Iowa liquor law which permits saloons to sell by paying the so-called "Mulct tax", and complying with certain strict regulations, is in no sense a license law. He ruled that the Iowa prohibitory law is still in effect, the "Mulct system" simply giving the saloons a defense against prosecutions, but specifically providing that it shall not be considered in any way as legalizing saloons.

The Court said:

"Complainants are wholly mistaken when insisting that this is a license system. There is no liquor license system in Iowa and has



not been for a quarter of a century. For that length of time there has never been a lawful sale of liquor in the State. No person to-day can lawfully sell liquor as a beverage. Of course this Court will not discuss the propriety of State legislation. The legislature has power under our constitution to prohibit the manufacture, use or sale of liquor as a beverage. Under the Iowa "Mulct System" absolute compliance with its provisions by saloons simply gives the saloon keepers and their clerks a method of escaping criminal prosecution."

*Maine:* Chief Justice Emery has made a very sweeping ruling in regard to what constitutes a liquor nuisance. The ruling arose out of a suit against a social club. According to the ruling, any place where liquor is kept for sale or to be given away for drinking purposes is a liquor nuisance and the custodian of such a place is guilty of maintaining a liquor nuisance. The Chief Justice held, furthermore, that it is not necessary to prove a sale in order to prove a nuisance, that the giving away of liquor or the keeping of liquor, or the keeping of a place resorted to for purposes of drinking is a nuisance; that a man found in charge of a place in which liquors were kept for unlawful purposes was guilty of maintaining a nuisance and that it does not make any difference for how long or short a period he has been in charge of such a place. .

In the case of the State against the J. R. Bass Publishing Company, of Bangor, Maine, Chief Justice Emery, of the Maine Supreme Court, Thursday, handed down a rescript which in effect affirms the constitutionality of the Maine statute prohibiting the advertising of intoxicating liquors in Maine publications. This case has been in the courts for six or seven years and has attracted considerable attention. It was prosecuted on complaint of officers of the Maine Civic League. The rescript was as follows:

"If a penal statute is equally susceptible of two interpretations, that should be adopted which gives the statute the effect evidently intended by the legislature. The statute R. S., chapter 29, section 45, forbidding the publication of advertisements of the sale or keeping for sale of intoxicating liquors, includes advertisements of intoxicating liquors sold or kept for sale without the State. By the act of Congress (United States statute, 1901, page 3177) known as the Wilson act, intoxicating liquors are to a great extent withdrawn from the protection of the commerce clause of the United States Constitution and made subject to the police powers of the States.

Since that act the State in the exercise of its police powers may lawfully prohibit the advertising within the State of intoxicating liquors, sold or kept for sale without the State."

*Michigan:* The Supreme Court has confirmed the validity of the so-called Watson ordinance in Detroit prescribing certain city territory in residence districts which shall be exempt from the saloon business. The ordinance by its own terms did not affect the status of saloons existing in the designated territory, but had as its object the prevention of the establishment of additional saloons.

*New Jersey:* The decision handed down by the Supreme Court, Justice Parker, reversing the action of the Elizabeth Excise Board in forfeiting the license to sell liquor, held by an Elizabeth woman, shows that the "bishops' law" is not a simple one to enforce. The woman was accused of failure to remove the screens from her bar-room on Sundays after the Excise Board had passed a resolution putting into effect the anti-screen provision of the "bishops' law." There was no dispute as to the fact that the screens were not removed, but the woman claimed that as she held an inn and tavern license, she was exempt from the provision of the anti-screen law. Justice Parker upholds this contention, though he intimates that if it had been proved by the Excise Board that the defendant did not maintain on her premises ten spare rooms and beds for the accommodation of boarders, transients and travelers, she would have been properly liable to forfeiture of her license.

*Ohio:* In August, Judge Thompson, of the United States Court, refused to restrain the government from branding as "imitation whiskey" such rectifiers' packages as are compounded of neutral spirits, colored and flavored. In an earlier case in which the ruling of the Internal Revenue Commissioner relative to the branding of spirits as "alcohol" was attacked by the distiller, a decision was rendered against the government. After that defeat the Commissioner of Internal Revenue made another ruling applying particularly to rectifiers, and which in effect had the same bearing, as it provided that the products of rectifiers must be labeled by their correct designation, that is, as a compound, blend, or imitation, as the case may be.

On the motion of the Union Distilling Company for a rehearing on the grounds of insufficient testimony and vested rights which

was denied, Judge Thompson expressed himself as follows on the question of vested rights:

"The misrepresentation of diluted spirits as whiskey for a long time will not establish a right to continue the misrepresentation in violation of the pure food act."

*Pennsylvania:* In a case brought at York, Judge Warner decided that a liquor license is not an asset, the transfer of which may be prevented by creditors of the holder in an effort to secure payment of debts. The case involved a bottler's license. The judge stated that the court of quarter sessions which has sole jurisdiction of the granting of licenses has no authority to adjudicate a civic issue, nor to make any man pay his debts before allowing his license to be transferred. A liquor license is not granted by the court as an asset to help a man in his private business, but solely on the ground of public necessity. The court can no more make a proposed transfer or pay his debts as a condition of the transfer than it can make an original applicant for license clear himself of debts before granting him a license.

Relative to shipping liquor into no-license towns: An agent of an Erie brewery had been taking orders for beer from persons living in Franklin, and it was shipped to them direct. The agent, however, took charge of the beer when it arrived, placed it in cold storage and delivered it to the purchasers as they desired it. Payment was made direct to the brewery. Judge Criswell held this to be a scheme to evade the law, and ordered the jury to find the defendant guilty of illegal selling, which it did.

*South Carolina:* In September the United States Circuit Court of Appeals sustained the Circuit Court in appointing receivers to wind up the affairs of the liquor monopoly so long held by the State of Carolina.

The decision is a voluminous one, and holds that the proceeding is not a suit against the State, and that the complainant is not forbidden to maintain his action by the eleventh amendment of the federal constitution.

It holds that the framers of that amendment to the constitution never conceived that a sovereign State could engage in the liquor business and become a trader by buying and selling an article of common traffic in competition with the citizens of the country.

The court questioned, therefore, whether the State was exercising a governmental prerogative or performing a function necessarily or properly incident to the autonomy as a State.

It declared that the fund in controversy, which the complainant claims it should be paid from, being in the hands of the commission charged with the duty of abolishing the dispensary, the State has no interest in so much thereof as is necessary to pay the just debts. The members of the commission, according to the Court, hold the funds in trust for payment of all just debts of the State dispensary and the creditors of the dispensary "have a property interest in the funds in the hands of the commission to the extent that the debts are shown to be just and a judicial determination of the true amount of such debts can in no way affect the rights and interests of the State."

*Texas:* Attorney-General Davidson held in an opinion addressed to Mayor Landes, of Galveston, that it would not be a violation of the anti-trust law for the agents of breweries to agree with the chief of police not to sell beer within certain prescribed territory in Galveston, pending a test of the city ordinance prohibiting beer being sold within certain limits. The opinion follows:

"Replying to your favor of the 14th inst., wherein you request my opinion as to whether the proposed agreement between the agents of the several breweries and the chief of police of Galveston that beer should not be sold to persons to be resold by them within the prohibited territory defined by the Galveston ordinance was tested in the courts would be in violation of the anti-trust laws of Texas, I beg to say that I have given your letter, the accompanying letters and also the opinions of Duncan and McGregor, my consideration, and beg to say that in my opinion such agreement or the carrying the same into effect would not be a violation of such laws.

"Section 3, Subdivision 1, of the anti-trust laws set forth, in the opinion of Messrs. Duncan and McGregor, is as follows:

"Section 3. That either or any of the following acts shall constitute a conspiracy in restraint of trade: First, if any two or more persons, firms or corporations or associations of persons who are engaged in buying or selling any article of merchandise, produce or

any commodity, enter into an agreement or understanding to refuse to buy from or sell to any person, firm, corporation or association of persons, any article of merchandise, produce or commodity.'

"The above section is intended to prohibit and does prohibit the making of agreements whereby persons agree not to sell articles of merchandise, having in view the fixing of prices or limiting the supply of merchandise, etc., and does not relate to in any manner an agreement where the parties are not to sell merchandise within a prohibited territory until the law defining such territory has been passed upon by some court of competent jurisdiction. The intent of the parties being to comply with the law, and the suspension of sales only having this in view, the above section of the anti-trust law does not, in my opinion, apply."

*Virginia:* Sustaining the Circuit Court of Lancaster County in the case of H. H. Runde vs. the Commonwealth, the Supreme Court of Appeals decided that the mere possession by any person of a liquor tax receipt from the United States Government is *prima facie* evidence of violation of the State liquor laws. Of course, this does not apply to persons who have been licensed by the State to sell, but only to those who have not been so licensed. The Court construes the Maun bill bearing on this point not only to mean what it says, but to be in all respects valid. The defendant in the case had previously been found guilty and fined \$100. An appeal was taken but the Court refused to set aside the verdict, basing its opinion upon an old decision of the Supreme Court of Maine upholding a law in that State which is almost identical with the Maun bill.

No charge was made against the defendant of selling liquor and no evidence was offered save the tax certificate. The law not only makes the possession of such a certificate *prima facie* evidence of violation of the State law, provided he be not regularly licensed, but shifts the burden of proof to the defendant, requiring him to show that he has not been guilty of such violation.

In the Roanoke whiskey cases the State Corporation Commission holds that retailers may ship and express companies are compelled to deliver intoxicating liquors in "dry" towns, but that the wholesale dealers are debarred. Town ordinances of Glade Springs, Radford and other places under prohibition forbade the sale or delivery of liquors therein, and the express companies refused to handle the

parcels consigned to these points. On the other hand, State law compels common carriers to accept and deliver all packages duly presented, and the Roanoke liquor dealers brought suit. After hearing the Corporation Commission found that the express companies are required to handle shipments when made by retail dealers, but that the wholesale dealers and manufacturers cannot make such shipments, thus debarring wholesale dealers and brewers from selling in the towns named. The Portner Brewing Company claimed that the decision was in error but the Commission refused to reopen the case. The Commission said that in its construction of the law "the private consumer living in a no-license territory may buy in small quantities for personal use, while those who are engaged in the illegal sale of liquor cannot buy in large quantities from the manufacturers or wholesale dealers and use the common carriers as their conscious or unconscious aiders and abettors in their violation of the law."

The Ward law, enacted by the General Assembly at its last session, was found unconstitutional by Judge Goodrich who set aside the election in Fredericksburg held in May in which there was given a majority of 31 against license. A number of other elections under this law were held at about this time. The Ward law provides that "at any local option election held on or before the second Tuesday of June, in any year, any person shall be qualified to vote who is otherwise qualified and has personally paid at least six months prior all poll taxes assessed or assessable against him during the three years next preceding to that in which such special or local option election is held." An appeal was taken to the Supreme Court.

*Wisconsin:* Under a recent ruling of the Attorney-General of Wisconsin, saloon licenses cannot be granted to corporations. The opinion is based on the ground that a corporation is not a full citizen of the United States, and in brief is as follows:

"Although section 4971 provides that the word 'person' in our statutes may be extended to include corporations, as well as individuals, if there is nothing in the statute to show that such construction would be inconsistent with the manifest intent of the Legislature, it seems to me apparent that provision 1565 L of our law absolutely bars corporations from receiving licenses.

"A corporation is not a full citizen of the United States nor of the State in the sense in which the terms are used in this statute,

nor are they residents of any town, city or village in this State. It may also be stated that a great many of the violations of our liquor laws provide a punishment of imprisonment, together with a fine. Although a corporation may be indicted, convicted and punished by fine or forfeiture under our law, still it is impossible to imprison a corporation.

"The authorities that I have examined on the question of whether a corporation can be lawfully licensed to sell intoxicating liquors at retail turned upon the construction of some statutory provisions, and I find no authority which would authorize me to hold that under the provisions of one statute a corporation could be legally licensed to sell intoxicating liquors at retail.

"The statutory requirement that the applicant for a license shall be a citizen of the State and a resident of the county or district where he proposes to do business is jurisdictional in its nature and unless the petitioner satisfied the licensing authorities that he possesses those qualifications, they have no power to grant a license.

"I may also add that under our statute it is left to the discretion of the licensing authority to grant licenses to suitable persons and it is their duty to pass upon the personal qualifications of the applicant. These personal qualifications, it would seem to me, are such as would apply only to individuals and from the nature of things are not applicable to corporations."

*For want of time no attempt has been made to give in this chapter a complete digest of the numerous legal decisions affecting the drink problem; but in our Year Book for 1910, a comprehensive statement of legal decisions will be included.*

## LIQUOR LICENSE FEES IN 1908.

## ALABAMA:

Prohibition.

## ALASKA:

Breweries, \$500; bottling works, \$200; wholesale liquor license, \$2,000; retail liquor license in towns under 1,500 population, \$1,000; in towns over 1,500 population, \$1,500; and in towns under 1,000 population, \$500. Wholesale license covers sales of one gallon or more not to be drunk on the premises. The license must be obtained from the district court.

## ARIZONA:

Retail license, \$300 per year; wholesale license, from \$75 to \$125 per quarter, according to amount of sales. A peddler with a wagon, \$400 per annum; distilleries or breweries, from \$10 to \$40 per quarter, according to amount of sales.

## ARKANSAS:

Manufacturers may sell in original packages of not less than five gallons without license, and wine growers may sell their own wine in quantities of not less than one-fifth gallon without license. State and County license, \$700 per annum; wholesale dealers in malt liquors, \$50 as State tax and \$100 as county tax.

## CALIFORNIA:

State license, based on amount of business done, \$1 to \$50 per month for sales of one quart or over, and \$5 to \$40 per month for sales in less quantity than one quart.

## COLORADO:

State license fee, \$25, in addition to whatever municipal license required in any place.

## CONNECTICUT:

County license, \$450 per annum in towns of over 3,000 inhabitants, and \$250 for smaller places. License for sale of ale, cider, beer and Rhine wine only is \$200 per annum. Wholesale license fee is \$200.



**DELAWARE:**

License fee is \$100 per annum.

**FLORIDA:**

Retail license fees are \$1,000, one-half of which goes to county and one-half to State.

**FLORIDA:**

Distillers or brewers, \$500; clubs, from \$100 to \$150, according to membership. Distillers or brewers not permitted to sell less than fifty gallons spirituous liquors, or ten gallons malt liquors, except to licensed dealers.

**GEORGIA:**

Prohibition.

**HAWAII:**

Retail license fee, \$1,000 per annum; wholesale, \$500; distilling and brewing, \$250.

**IDAHO:**

Licenses granted by Board of County Commissioners, \$750 per annum. Cities and towns may impose such additional license as they desire.

**ILLINOIS:**

Soliciting orders for liquor in quantity less than five gallons from consumers is forbidden without a special license fee of not less than \$500 per annum, paid in advance. Any person holding city or village license may solicit in that city or village. County licenses granted by County Board in places more than two miles from incorporated city, town or village from \$50 to \$300 per annum, in the discretion of County Board. Municipal license fixed by each municipality, but not less than \$500 for all liquors, and not less than \$150 for malt liquors only.

**INDIANA:**

In addition to a State tax of \$100, which goes to the school fund of the county, city councils may impose a license not exceeding \$250 per year. Incorporated towns which are not cities charge a license fee of \$150. There is no prescribed license for wholesale dealers. A distiller's or brewer's license may not exceed \$1,000 a year.

## IOWA:

A permit to sell may be granted on payment of \$600 per annum in quarterly installments.

## KANSAS:

Prohibition.

## KENTUCKY:

There is a special tax of  $1\frac{1}{4}$  cents per gallon on compound, blended or rectified spirits. Municipalities impose license in addition to State license, which is \$150 for all liquors; \$100 for spirituous and vinous liquors only; \$50 for malt liquors only; \$100 for distillers to sell in quantities of not less than one quart; \$50 for manufacturers of wines and distillers of brandy to sell in quantities of not less than one quart; \$100 for merchants in other business to sell in quantities of not less than one quart; druggists, \$75; wholesale dealers, from \$100 to \$300, according to amount of sales; brewers, \$200; wholesale dealers in wines, ales and mineral waters, \$200.

## LOUISIANA:

The fees for permission to sell intoxicating liquors in quantities of less than five gallons are based upon gross receipts and divided into seven classes, running from a fee of \$1,600 (first class) when the gross annual receipts are \$50,000 or more, to \$200 (seventh class) when the gross receipts are less than \$5,000. This is the State tax. In addition, the police juries of parishes, the city councils and board of aldermen of the various cities, towns and villages, must levy a license of not less than \$500 on the retail sale of malt and vinous liquors exclusively. The license fee shall not be more than one-half of the State tax.

## MAINE:

Prohibition.

## MARYLAND:

Wholesale license depends on amount of stock carried, varying from \$18 for stocks of less than \$500 to \$150 for stocks of more than \$30,000 for sales in quantities of not less than one pint.

Retail licenses are based on rental of place of business, ranging from \$25 where rental does not exceed \$100, to \$450 if annual rental exceeds \$18,000. In Baltimore retail license is \$500 this year, \$750 next year and \$1,000 thereafter, by special act.

**MASSACHUSETTS:**

Licenses are divided into seven classes: 1st, to sell liquor of any kind to be drunk on the premises, not less than \$1,000; 2d, to sell malt liquor, cider or light wines containing not less than 15 per cent. alcohol, to be drunk on the premises, not less than \$250; 3d, to sell malt liquors and cider to be drunk on the premises, not less than \$250; 4th, to sell liquors of any kind not to be drunk on the premises, \$300; 5th, to sell malt liquors, cider or light wines containing not more than 15 per cent. alcohol, not to be drunk on the premises, not less than \$150; 6th and 7th, to druggists and paint dealers, \$1.

**MICHIGAN:**

Annual license fee for retailing spirituous or intoxicating liquors, \$500. For malt liquors at retail or at wholesale and retail, \$500. Wholesale spirituous or intoxicating liquors, \$500; wholesale and retail, \$800. Manufacturers of malt liquors, \$65; manufacturers of spirituous or intoxicating liquors, \$800. Persons paying manufacturers' tax on malt liquors are also liable to wholesale dealers' tax on the same.

**MINNESOTA:**

Manufacturers and wholesalers are not required to obtain license for sale in quantities of five gallons or more. License fee fixed by county board or municipal council in cities, at not less than \$1,000 for cities of the 1st, 2d and 3d class, and at any other place not less than \$500.

**MISSISSIPPI:**

Prohibition.

**MISSOURI:**

License fees are from \$100 to \$200 for State purposes, and from \$250 to \$200 for county purposes for each six months, the amount determined by the county court granting the license, and in addition, the authorities of towns or cities may impose such license as they desire. Wine growers may sell wine of their own production in any quantity without a license.

**MONTANA:**

License fees range from \$165 semi-annually in places of under 3,000 population, to \$330 semi-annually in places of 10,000 or more inhabitants.

**NEBRASKA:**

License fees not less than \$500 in places of less than 10,000 inhabitants, and not less than \$1,000 in places of more than 10,000 inhabitants.

**NEVADA:**

State license fee is \$100 per annum for wholesale dealers, and \$50 per annum for retail dealers, in addition to which municipal authorities require such license as they see fit.

**NEW HAMPSHIRE:**

Licenses in eight classes: 1st, to sell liquor to be drunk on premises, issued only to innkeepers, \$25 to \$100; 2d, to sell liquor in quantities of less than five gallons to one person at a time, \$250 to \$1,200; 3d, to sell liquor of any kind, not to be drunk on the premises, \$100 to \$800; 4th, to sell malt liquors, cider and light wines containing not more than 15 per cent. alcohol, \$150 to \$600; 5th, to druggists to sell for medicinal, mechanical, chemical or sacramental purposes, and for other dealers to sell for mechanical and chemical uses, \$10; 6th, to keepers of railroad restaurants to sell malt liquors, cider and light wines to be drunk on the premises, \$50 to \$200; 7th, to associations equipped to furnish food and lodging to their members, to sell liquor to be drunk on the premises, \$100 to \$300; 8th, to distillers, brewers and bottlers, to sell their product for shipment or distribution to the trade, \$300 to \$2,000; 9th, to sell liquors of any kind to be drunk on the premises, issued to common victualers only in cities of 6,000 or more population, \$300 to \$1,200.

**NEW JERSEY:**

License fee in places of not more than 3,000 inhabitants, not less than \$100; from 3,000 to 10,000 inhabitants, not less than \$150; for 10,000 or more inhabitants, not less than \$300. For sale in quantities of not less than one quart.

**NEW MEXICO:**

Special license of \$200 for selling intoxicating liquors upon a train. Wholesale license fee, \$100; breweries, \$600; distillers, \$200; dram shops, \$100 to \$400, according to population, in addition to which fees municipal authorities may require such license as they may see fit.

**NEW YORK:**

Excise taxes in seven classes: 1st, the business of traffic in liquors to be drunk on the premises, \$150 to \$1,200, according to population; 2d, for sales in quantities less than five gallons, no part of which shall be drunk on the premises, \$75 to \$750, according to population; 3d, for druggists, \$7.50; 4th, for sale upon any car, steamboat or vessel, \$300; 5th, the holder of a certificate under Section 2 who has been engaged in the bottling of malt liquors and selling them in any other place in quantities of from three to five gallons at a time, \$150 for each vehicle from which he sells or delivers the beer; 6th, for selling alcohol only in quantities less than five gallons, for medicinal, mechanical or scientific purposes, \$37.50; 7th, for selling in quantities of less than five gallons, but not less than two gallons by the grower of fruit or the manufacturer of liquors produced solely from such fruit, not to be drunk on the premises, \$75.

**NORTH CAROLINA:**

Prohibition.

**NORTH DAKOTA:**

Prohibition.

**OHIO:**

Annual tax for selling liquor, \$1,000; tax for selling liquor on railroads, \$1,000 for first 200 miles of road operated within the State and \$1,500 for over 200 miles of road operated. Sales at place of manufacture in quantities of one gallon or more effected without license. Clubs are taxed, also wholesale dealers who are not manufacturers.

**OKLAHOMA:**

Prohibition.

**OREGON:**

Annual license fee for sale of all liquors, \$400; for malt liquors only, \$200, and in addition towns and cities may impose such license as they desire.

**PENNSYLVANIA:**

License fees for sale by retail in cities of 1st and 2d class, \$1,000; 3d class, \$500; other cities, \$300; boroughs and townships, \$75. These fees were fixed in 1891. In 1897 additional fees were

added; townships, \$25; boroughs, \$50; 1st and 2d class cities, \$100; other cities, \$50 for the use of the State.

Brewers from \$250 to \$6,000, according to annual production. All distillers and brewers, \$1,000 for first year. Bottlers and bottling establishments in cities of 1st and 2d class, \$500; other cities, \$350; boroughs, \$250; townships, \$125. Wholesale dealers in cities of 1st and 2d class, \$1,000; other cities, \$500; boroughs, \$250; townships, \$125. Each rectifier, compounder, storekeeper or agent, not included in the previous classes, \$1,000 for cities of 1st and 2d class; \$500 for other cities; \$200 for boroughs and \$100 for townships; distillers and brewers may sell in wholesale quantities without paying the special tax of a dealer.

#### RHODE ISLAND:

For manufacture or sale at wholesale or retail, not to be drunk on premises, not less than \$500 nor more than \$1,000; for sale at retail only, \$400 for the city of Providence, \$350 for other cities of more than 15,000 inhabitants, \$300 for towns of 6,000 to 15,000, and for towns of less than \$6,000 not less than \$200 nor more than \$800.

#### SOUTH CAROLINA:

Distilleries, operated under provision of the law by paying license fee of \$500 to \$5,000 according to capacity of distillery. Breweries and bottling establishments, same fee.

#### SOUTH DAKOTA:

Retail business, \$400 annually to the State and \$200 for traveling salesmen who solicit orders by jug or bottles in quantities less than five gallons. Wholesale malt liquor license, \$150. Cities may levy additional license, not less than \$200 nor more than \$600 per annum.

#### TENNESSEE:

Prohibition after July 1, 1909.

#### TEXAS:

License tax for sale of all liquors at retail is \$375 and for malt liquor \$62.50. Counties may collect half this amount additional and cities and towns may collect same amount as the county. Wine growers may sell own production not drunk on premises. This State has a special law providing annual occupation tax of \$5,000 for each office or place at which liquors are delivered C. O. D.

**UTAH:**

License tax, determined by municipal authorities, not less than \$400 per annum.

**VERMONT:**

First class, to sell at retail, not less than \$500 nor more than \$1,200; 2d class, to sell liquors of any kind not to be drunk on premises; not less than \$750 nor more than \$1,500; 3d class, to sell malt liquors, ciders and light wines containing not more than 15 per cent. alcohol, to be drunk on premises, \$250; 4th class, to sell at wholesale, \$750; fifth class, to sell for medicinal purposes, \$10; 6th class, to sell in summer hotels, amount according to length of license; 7th class, to sell malt liquors, cider and light wines containing not more than 15 per cent. alcohol, not to be drunk on premises, \$150.

**VIRGINIA:**

Wholesale traffic in ardent liquors, \$450; malt liquors only, at wholesale, \$150; malt liquor for license, \$200; ardent spirits, retail, \$450; each sample liquor merchant is taxed \$500; every manufacturer or distiller of liquor shall be taxed according to amount manufactured, from \$30 to \$300. For manufacturing malt liquors the license is \$150, with the privilege of selling the product in quantities of a dozen pints or more in Virginia, except in no-license districts. Every person maintaining a distributing or storage warehouse for malt liquors, not paying manufacturers' license, is taxed \$150.

Every person manufacturing pure cider only is taxed \$15.

Every rectifier, unless rectifying his own manufacture, is taxed \$250.

"Malt beverage" may be manufactured only by persons having manufacturers' malt liquor license, and for it an additional tax of \$250 is imposed.

**WASHINGTON:**

Each city, town or county may license the sale of liquor as it sees fit with a license fee of from \$300 to \$1,000. Wholesale license, \$100. A State license fee of \$25 is added to that fixed by city, town or county.

**WEST VIRGINIA:**

Wholesale licenses for malt liquor, \$750; for sales of under 500 barrels, 15 cents for each additional barrel. Retail licenses for all drinks, \$600; wholesale license, \$750 in addition to all other taxes. Wholesale and retail licenses, not to be drunk on the premises, \$1,000. Combined license for spirituous and malt liquors, \$1,250, and 15 cents for each barrel of beer in excess of \$4,000. Municipalities may impose any sum under \$750 additional. Club license, according to membership, not exceeding \$500.

**WISCONSIN:**

Special elections may be held in village or town to determine amount to be paid for license on petition of 10 per cent. of the orders. If the license has been \$100 it may be increased to \$350 or \$500. If it has been \$200 it may be increased to \$500 or \$800.

**WYOMING:**

Retail license fee is \$300 and wholesale license \$175, but the retail dealer may sell at wholesale without paying additional license.



## CHAPTER IV.

### SOME SOCIAL ASPECTS OF THE DRINK QUESTION.

#### I

#### ARRESTS FOR DRUNKENNESS.

OF all the arguments advanced in speech and writings on different phases of the liquor traffic, the most fallacious is that deduced from statistics of arrests for drunkenness. Yet it is used unreservedly in proof of comparative conditions in regard to inebriety.

If the laws governing arrests for drunkenness were uniform and the same standards of enforcement prevailed one could arrive at comparable results in regard to the visible state of inebriety in different communities. But even then one would have to fall back upon the amount of public intoxication, which may or may not be a true index of sobriety. As a matter of fact, however, the laws governing arrests for drunkenness differ as much in kind as in the manner of their enforcement. Some States have elaborate legislation in regard to arrests for this offense, fortified by city or town ordinances; in other States the matter is left wholly to local regulation. Again in some States and cities arrests are not made on the charge of "simple drunkenness," but on the charge of "disturbing the peace" or for "disorderly conduct," which may or may not spring from intoxication. Very often the last mentioned charges are practically synonymous or of the "blanket" order and may cover a host of minor offenses, especially those against city ordinances which have no direct relation to drunkenness. This circumstance alone should render one very cautious about comparisons.

Another and almost unsurmountable obstacle to correct comparisons is the fact that statistics of arrests reflect public sentiment in regard to methods of dealing with this offense rather than the

volume of public intoxication. If the sentiment of a community, reinforced by ample legislation, demands that all persons visibly under the influence of liquor shall be removed from the street or public place, the fact must inevitably manifest itself in a larger ratio of arrests than in a community less actuated by such public sentiment or where arrests are made only on the charge of disorderly conduct. It is often observed that in the same community the rate of arrests fluctuates violently from one year to another, not in keeping with a rise or fall in the actual volume of public intoxication, but in obedience to demands for rigid or lenient police measures.

These truisms must be kept in mind by any one utilizing statistics of arrests. They find abundant illustration in the next table. It deals with arrests for drunkenness and for disturbing the peace (including disorderly conduct) during 1905 in cities of over 30,000 population, and is drawn from the United States Census report published in 1907. It is the latest source of official information on this subject.

The table shows that in cities too numerous for individual mention the arrests for disturbing the peace, as in the case of Baltimore, may be about four times as numerous as the arrests for drunkenness, a circumstance which vitiates comparisons with cities where arrests are made almost exclusively for drunkenness.

Of far greater import is the consideration that these statistics of arrests indicate the status in regard to prosecutions for the offenses of drunkenness, and not the prevailing amount of public intoxication. Thus in Boston, where drunkenness is declared a "crime" and a strong public sentiment exists in favor of placing intoxicated persons under arrest, the number of such arrests reached the astounding ratio of 5430.8 per 10,000 population, or, adding the offenses classified as disturbing the peace, a ratio of 5552.9. On the other hand, St. Louis, with a slightly larger population, shows a ratio for both classes of offenses of only 2078.7. Is Boston, notwithstanding its statutory limitation of saloons and stricter enforcement of liquor laws, twice as drunken as St. Louis? Or, what weight can be given comparisons ignoring the fact that nearly one-half of the arrests in Boston were of non-residents chargeable upon surrounding no-license towns? It would be waste of space to multiply examples of this kind which merely illustrate the sheer absurdity of hard and fast comparisons.

It follows that deductions concerning the comparative merits of high and low license are meaningless, or that when based upon arrests for drunkenness they enable one to prove one side or the other, according to the examples chosen for purposes of illustration. Thus low-license Milwaukee yields a rate of arrests for drunkenness and for disturbing the peace of but 1329.6 per 100,000 inhabitants, which may be contrasted with a rate of 3164.5 for high-license Buffalo, N. Y. On the other hand, comparisons, for instance, of high-license Detroit with low-license New Orleans would lead one to conclude that drunkenness is much more prevalent under a low-license system. Both deductions would be equally fallacious.

As between communities where the liquor traffic is under some form of license, statistics of arrest for drunkenness serve only to illustrate the divergence of laws and standards of enforcing laws intended for the repression of public intoxication.

Self-evidently, numerous arrests for drunkenness could hardly take place unless the liquor habit had taken root more or less. But also in this respect the statistics may be subject to a variety of interpretations, even if the numerical proportions are alike. How much of the drunkenness exhibited by the statistics of arrests is due to accidental intoxication, how much portrays confirmed drink habits, whether in one set of figures a large proportion of recurrent cases are represented and in another set few, etc.—all these matters are beyond our ken. They could only be brought out through intensive study, and even then their exact interpretation would be exceedingly difficult unless due weight is given the racial and social conditions of the population of a community, their habits in regard to the use of intoxicants, etc. It is perfectly well known, for instance, that public intoxication is more common in a community given to the use of spirits than in a community where malt liquors are chiefly consumed.

#### ARRESTS FOR DRUNKENNESS IN NO-LICENSE AND PROHIBITION CITIES.

To decipher the meaning of the statistics under consideration when the sale of liquor has a legal status, is one thing. To use such statistics as a measure of the visible effects of a no-license regime, is quite another, and within limits permissible. It is natural, but not always true, that in no-license cities special effort should be made to clear the highways and byways of drunken persons, and

NUMBER OF ARRESTS IN CITIES FOR DRUNKENNESS AND FOR DISTURB-  
ING THE PEACE, WITH NUMBERS PER 10,000 OF POPULATION  
FOR EACH OFFENSE.

CITY.	Population.	Arrests for Drunkenness.	Number per 10,000 of Population	Arrests for Disturbing the Peace	Number per 10,000 of Population
New York, N. Y. . . .	4,000,403	52,316	1307.7	50,589	1264.5
Chicago, Ill. . . . .	1,990,750	45,847	2303.0	8,471	597.7
Philadelphia, Pa. . . .	1,417,062	39,609	2795.1	8,597	1349.6
St. Louis, Mo. . . . .	636,973	4,644	729.1	721	121.1
Boston, Mass. . . . .	595,380	32,334	5430.8	14,700	2691.2
Baltimore, Md. . . . .	546,217	3,798	695.3	1,386	317.1
Cleveland, Ohio. . . .	437,114	15,357	3513.2	3,772	1000.7
Buffalo, N. Y. . . . .	376,914	8,157	2164.1	2,530	666.6
San Francisco, Cal. . .	No estimate	15,767	.....	8,042	2208.3
Pittsburg, Pa. . . . .	364,161	11,052	3034.9	2,150	626.2
Cincinnati, Ohio. . . .	343,337	2,337	680.6	2,281	700.6
Detroit, Mich. . . . .	325,563	2,941	903.3	1,327	424.0
Milwaukee, Wis. . . . .	312,948	2,834	905.6	2,794	902.3
New Orleans, La. . . .	309,639	6,522	2106.3	7,963	2629.1
Washington, D. C. . . .	302,883	5,945	1962.8	2,092	738.4
Newark, N. J. . . . .	283,289	1,960	691.8	471	179.7
Minneapolis, Minn. . .	261,974	4,037	1540.9	3,933	1690.1
Jersey City, N. J. . . .	232,699	744	319.7	2,678	1202.7
Louisville, Ky. . . . .	222,660	2,127	955.2	291	137.1
Indianapolis, Ind. . . .	212,198	1,424	671.0	478	240.6
Providence, R. I. . . .	198,635	6,083	3062.4	814	413.1
St. Paul, Minn. . . . .	197,023	2,135	1083.6	307	168.6
Rochester, N. Y. . . .	182,022	2,527	1388.3	3,112	1735.9
Kansas City, Mo. . . .	179,272	2,489	1388.4	596	383.8
Toledo, Ohio. . . . .	155,287	457	294.3	734	488.3
Denver, Colo. . . . .	150,317	2,655	1766.2	1,732	1212.5
Allegheny, Pa. . . . .	142,848	1,495	1046.5	550	387.0
Columbus, Ohio. . . . .	142,105	1,069	752.2	158	123.3
Worcester, Mass. . . .	128,135	3,581	2794.7	548	419.2
Los Angeles, Cal. . . .	.....	5,517	.....	387	319.2
Memphis, Tenn. . . . .	121,235	927	764.6	1,918	1590.8
Omaha, Neb. . . . .	120,565	3,463	2872.3	967	812.4
New Haven, Conn. . . .	119,027	2,566	2155.8	595	507.9
Syracuse, N. Y. . . . .	117,129	2,124	1813.3	560	482.3
Scranton, Pa. . . . .	116,111	1,968	1720.8	990	857.3
St. Joseph, Mo. . . . .	115,479	1,148	994.1	972	871.5
Paterson, N. J. . . . .	111,529	1,088	975.5	411	388.6
Fall River, Mass. . . .	105,762	2,218	2097.1	370	355.3
Portland, Ore. . . . .	104,141	3,175	3048.7	9,197	8955.0
Atlanta, Ga. . . . .	102,702	4,246	4134.3	429	430.8
Seattle, Wash. . . . .	99,586	1,782	1789.4	299	304.0
Dayton, Ohio. . . . .	98,350	1,479	1503.8	520	531.6
Albany, N. Y. . . . .	97,806	1,196	1222.8	488	499.2
Grand Rapids, Mich. . .	97,756	1,479	1512.9	342	350.1
Cambridge, Mass. . . .	97,434	1,393	1429.7	21	22.1
Lowell, Mass. . . . .	94,889	3,710	3909.8	583	625.8
Hartford, Conn. . . . .	93,160	3,561	3822.4	156	175.1
Reading, Pa. . . . .	89,111	942	1057.1	1,591	1831.2
Richmond, Va. . . . .	86,880	2,102	2419.4	2,463	2924.2
Nashville, Tenn. . . . .	84,227	2,672	3172.3	836	993.1
Trenton, N. J. . . . .	84,180	1,033	1227.1	.....	.....

NUMBER OF ARRESTS IN CITIES FOR DRUNKENNESS AND FOR DISTURB-  
ING THE PEACE, WITH NUMBERS PER 10,000 OF POPULATION  
FOR EACH OFFENSE.—*Continued.*

CITY.	Population.	Arrests for Drunkenness.	Number per 10,000 of Population.	Arrests for Disturbing the Peace.	Number per 10,000 of Population.
Wilmington, Del....	83,860	1,600	1907.9	735	876.4
Camden, N. J.....	83,363	1,518	1820.9	557	668.0
Bridgeport, Conn. . .	82,061	1,400	1706.0	463	564.2
Lynn, Mass. ....	77,042	3,712	4818.1	69	89.6
Troy, N. Y.....	76,271	430	563.8	469	614.9
Des Moines, Iowa . .	75,626	2,252	2977.8	474	626.8
New Bedford, Mass..	74,362	1,164	1565.3	115	154.6
Springfield, Mass....	73,540	1,847	2511.5	95	129.2
Oakland, Cal. ....	72,670	3,862	5314.4	482	663.2
Lawrence, Mass. ....	70,050	1,674	2389.7	69	98.5
Somerville, Mass....	69,272	881	1271.8	17	24.5
Kansas City, Kans. .	67,614	1,332	1970.0	477	705.5
Savannah, Ga. ....	67,313	940	1396.4	2,400	3565.4
Hoboken, N. J. ....	65,468	966	1475.5	609	930.2
Peoria, Ill. ....	65,026	847	1302.5	536	824.4
Duluth, Minn. ....	64,942	1,409	2169.6	198	304.9
Utica, N. Y.....	63,647	1,382	2171.0	107	168.1
Manchester, N. H. . .	63,417	1,048	1652.5	30	47.3
Evansville, Ind. ....	63,132	478	757.1	35	55.4
Yonkers, N. Y.....	61,414	466	758.8	244	397.3
San Antonio, Tex. . .	61,146	704	1151.3	397	649.2
Elizabeth, N. J.....	60,509	405	669.3	325	537.1
Waterbury, Conn. . .	60,109	1,528	2542.0	409	680.4
Salt Lake City, Utah	58,914	1,251	2123.4	128	217.2
Erie, Pa. ....	58,783	1,135	1930.8	397	675.4
Wilkesbarre, Pa. . .	58,721	1,105	1881.8	117	199.2
Schenectady, N. Y..	58,213	982	1686.9	370	635.6
Norfolk, Va. ....	58,006	2,544	4385.7	1,490	2568.7
Houston, Tex. ....	56,300	1,008	1790.4	1,104	1960.9
Charleston, S. C. ....	56,232	505	898.6	783	1392.4
Harrisburg, Pa. ....	54,807	1,244	2269.7	71	129.5
Portland, Me. ....	54,330	1,525	2806.9	89	163.8
Dallas, Tex. ....	52,248	3,804	7280.6	1,716	3284.3
Tacoma, Wash. ....	51,962	944	1816.7	445	856.4
Terre Haute, Ind....	51,903	1,180	2273.4	181	348.7
Youngstown, Ohio..	51,516	2,410	4678.1	1,488	2888.4
Fort Wayne, Ind....	49,975	494	988.5	84	168.1
Holyoke, Mass. ....	49,934	1,025	2052.7	35	70.1
Akron, Ohio. ....	49,403	755	1528.2	210	425.1
Brockton, Mass. ....	47,794	1,360	2845.5	169	353.6
Saginaw, Mich. ....	47,676	701	1470.3	134	281.1
Lincoln, Neb. ....	46,874	524	1117.9	570	1216.0
Lancaster, Pa. ....	46,184	.....	.....	707	1530.8
Covington, Ky. ....	45,887	306	667.0	485	1058.2
Altoona, Pa. ....	45,557	1,195	2623.1	574	1259.9
Spokane, Wash. ....	45,313	801	1767.7	537	1187.3
Birmingham, Ala. . .	44,640	1,152	2580.6	2,408	5394.2
Pawtucket, R. I. ....	43,381	860	1982.4	239	550.9
South Bend, Ind....	43,204	617	1428.1	13	30.1
Binghamton, N. Y...	43,096	918	2130.1	57	132.2
Augusta, Ga. ....	42,511	2,823	6640.6	220	517.5

NUMBER OF ARRESTS IN CITIES FOR DRUNKENNESS AND FOR DISTURB-  
ING THE PEACE, WITH NUMBERS PER 10,000 OF POPULATION  
FOR EACH OFFENSE.—*Continued.*

CITY.	Population.	Arrests for Drunkenness.	Number per 10,000 of Population	Arrests for Disturbing the Peace.	Number per 10,000 of Population
Bayonne, N. J.....	42,262	204	482.7	990	2342.5
Mobile, Ala.....	42,164	563	1335.2	2,147	5092.0
Johnstown, Pa.....	42,160	745	1767.1	574	1361.4
McKeesport, Pa.....	42,024	864	2055.9	1,006	2393.4
Dubuque, Iowa.....	41,941	417	994.2	181	431.5
Butte, Mont.....	41,757	651	1559.0	873	2090.6
Springfield, Ohio....	41,433	727	1754.6	381	919.5
Wheeling, W. Va....	41,058	563	1371.2	451	1098.4
Sioux City, Iowa....	40,952	1,021	2493.1	360	879.1
Bay City, Mich.....	40,614	811	1996.8	157	386.6
Allentown, Pa.....	40,571	459	1131.3	202	497.9
Davenport, Iowa....	39,797	54	135.7	581	1459.9
Montgomery, Ala....	39,769	1,270	3193.4	656	1649.5
E. St. Louis, Ill.....	39,385	1,747	4435.7	1,002	2544.1
Little Rock, Ark.....	38,716	1,094	2825.7	1,635	4223.1
Quincy, Ill.....	38,632	234	605.7	255	660.1
York, Pa.....	38,258	.....	.....	560	1463.7
Springfield, Ill.....	38,234	274	716.6	2,725	7127.1
Malden, Mass.....	38,037	302	793.9	39	102.5
Canton, Ohio.....	37,907	707	1865.1	231	609.3
Passaic, N. J.....	37,837	219	578.8	494	1305.3
Haverhill, Mass.....	37,830	1,046	2765.0	60	158.6
Topeka, Kans.....	37,641	711	1885.9	292	775.7
Salem, Mass.....	37,627	720	1913.5	81	215.2
Atlantic City, N. J..	37,593	731	1944.5	299	795.3
Chester, Pa.....	37,333	549	1470.5	153	409.8
Chelsea, Mass.....	37,289	1,300	3486.2	28	75.1
Newton, Mass.....	36,827	398	1080.7	67	181.1
Superior, Wis.....	36,551	708	1937.0	191	522.5
Elmira, N. Y.....	35,724	682	1909.1	88	246.3
Knoxville, Tenn....	35,482	1,020	2874.7	430	1211.9
Newcastle, Pa.....	35,429	1,000	2822.5	81	228.6
Jacksonville, Fla....	35,301	1,482	4198.2	757	2144.4
S. Omaha, Neb.....	34,971	536	1532.7	348	995.1
Rockford, Ill.....	34,621	489	1412.4	284	820.3
Chattanooga, Tenn..	34,179	1,847	5403.9	1,201	3513.8
Joplin, Mo.....	34,063	1,279	3754.8	797	2339.7
Galveston, Tex.....	33,484	861	2571.4	726	2168.2
Fitchburg, Mass....	33,021	931	2819.4	50	151.4
Macon, Ga.....	32,618	1,372	4206.2	1,333	4086.7
Auburn, N. Y.....	32,527	786	2416.4	156	479.6
Racine, Wis.....	32,290	251	777.3	81	250.8
Woonsocket, R. I....	32,196	839	2605.9	16	49.7
Joliet, Ill.....	31,713	711	2241.9	568	1791.1
Kalamazoo, Mich....	31,127	746	2396.6	32	102.8
Wichita, Kans.....	31,110	1,363	4381.2	149	478.9
Taunton, Mass.....	30,967	1,203	3884.7	23	74.3
Sacramento, Cal....	30,732	1,047	3406.8	211	686.5
Oshkosh, Wis.....	30,575	192	627.9	102	333.6
Pueblo, Colo.....	30,457	903	2964.8	361	1185.2
New Britain, Conn...	30,178	502	1663.4	44	145.8
La Crosse, Wis.....	29,078	354	1217.4	57	196.0

one may make some allowance for a larger number of arrests on this account.

But if prohibition of the sale of liquor is more than a dead letter, it must inexorably follow that the effect of its suppression should be strongly reflected in a lessened amount of public intoxication. If the volume of drunkenness fluctuates with the opportunity or temptation to drink—and this is the orthodox temperance view—then a large ratio of arrests for drunkenness is indubitable proof that the restrictions are inoperative and do not yield improved social conditions. In this light it is pertinent to examine the statistics of arrests for drunkenness in some no-license and prohibition cities.

The city of Brockton, Mass., has been under no-license longer than any municipality of an equal population, and is sufficiently isolated not to have conditions complicated by the proximity of a license centre. Below are the ratios of arrests for drunkenness in 1905 per 10,000 of population in several other Massachusetts cities under license and in Brockton.

CITIES	Population Estimated	Number of Arrests for Drunkenness per 10,000 of Population
Worcester.....	128,135	2794.7
Fall River.....	105,762	2097.1
Lowell.....	94,889	3909.8
New Bedford.....	74,362	1565.3
Springfield.....	73,540	2511.5
Lawrence.....	70,050	2389.7
Holyoke.....	49,934	2052.7
Brockton.....	47,794	2845.5

With the exception of Lowell, all the other cities show up very favorably along side of Brockton. No comparisons could be fairer than between cities in a compact State like Massachusetts, where arrests for drunkenness are regulated by uniform law and where public sentiment in regard to their enforcement partakes of the same character. If it be said that more favorable no-license statistics could have been adduced for the cities of Cambridge, Somerville, Newton, etc., the answer is that they are adjacent to Boston, which makes comparisons invalid, and that a large quota of arrests of inhabitants of these cities appear annually in the returns for Boston. In regard to Brockton, this much is certain: The evidence to be gleaned from statistics of arrests for drunkenness show no comparative diminution of the liquor habit as the result of no-license

and therefore points to an unregulated consumption of such magnitude as to make Brockton appear to be under local prohibition only in name.

The following are the ratios of arrests for drunkenness and for disturbing the peace during 1905 in cities situated in States under prohibition:

CITIES	Estimated Population	Number of Arrests per 10,000 of Population for—	
		Drunkenness	Disturbing the Peace
Kansas City, Kans .....	67,614	1970.0	705.5
Portland, Me.....	54,330	2806.9	163.8
Topeka, Kans.....	37,641	1885.9	775.7
Wichita, Kans.....	31,110	4381.2	478.9

It would, perhaps, be unfair to regard conditions in Kansas City, Kansas, as typical because of its immediate proximity to Kansas City, Missouri, which is under license. As a matter of fact, there is every reason to believe that but for the existence of such a safety valve, Kansas City, Kansas, would exhibit a much larger rate of arrests than now. The other Kansas cities certainly are typical. Take the instance of Wichita.

Of all the 67 cities of the United States having less than 50,000 population in 1905, and scattered over no less than 26 States, only eight outrank Wichita in proportion of arrests for drunkenness and for disturbing the peace.

These eight are Birmingham, Alabama; Augusta, Georgia; Mobile, Alabama; East St. Louis, Illinois; Little Rock, Arkansas; Jacksonville, Florida; Chattanooga, Tennessee; and Macon, Georgia. Observe that with one solitary exception, namely, East St. Louis, the presence of a large negro population presents peculiar police problems and gives arrests for disturbing the peace a special meaning. Comparisons with cities under some form of license and of larger population could only lend needless emphasis to statements in regard to the extraordinary amount of visible intoxication in Wichita.

Topeka, Kansas, offers more favorable aspects, yet compares unfavorably with nearly one-half of the cities having in 1905 a population of less than 50,000.

There were 47 cities in the United States which had a population of between 50,000 and 100,000, and no less than 32 of them had a lower rate of arrests for drunkenness and for disturbing the



peace than Portland, Maine. Among the 15 cities with higher rates, six are in Southern cities where conditions, as already stated, are not comparable.

What do these facts portray? A more strenuous endeavor to repress public intoxication in prohibition cities than elsewhere? That would hardly be consonant with facts in regard to license cities, for instance, in Massachusetts, where visible intoxication is less and the standards of enforcement of law and order just as high. Indeed, it is a question whether statistics of arrests in prohibition cities express as fully the local extent of drunkenness as the same kind of statistics in license cities. Where the traffic in drink is outlawed, there is always much secret consumption. The multiplication of intoxicated persons upon the streets is so much evidence of violation of the laws and may invite raids. In short, there is incentive on every hand to shield intoxication from publicity. But, without any allowances for these circumstances, the proportion of drunkenness in these prohibition cities is, upon the face of the returns, greater than in most cities where the liquor trade is licensed and regulated. There are some natural reasons for this state of affairs. Sumptuary laws do not destroy the appetite for drink, but lead to a larger consumption of the more intoxicating kind of liquors which, on account of smaller bulk, can be transported and sold with less fear of detection. This is common experience. Another factor is the deadly intoxicating effect of the "hard" liquors usually sold contrary to law.

At best, statistics of arrests must remain an imperfect test of the state of sobriety in a community. A truer gauge would be detailed statistics of consumption which, however, under present laws regulating trade can never be compiled for the individual municipality or, indeed, for any State.

But statistics of arrests for drunkenness are competent evidence as showing whether or not prohibition laws are effective. Moreover, they throw some vivid light upon the public burden consequent upon a more or less wide-spread misuse of intoxicants. It requires little imagination to read into statistics of arrests such as given for Portland or Wichita, a story of ceaseless police activity in dealing with intoxicated persons, of court rooms crowded with sodden humanity, of women and children who suffer in consequence, etc., etc., and it is a story eclipsing in several ways that from many other cities where, at least, no boast is made of having

done away with the burden of public drunkenness. How the further burden of drunkenness appears in prohibition States in relation to poverty, crime, insanity, etc., will be discussed in succeeding pages.

## II.

### POVERTY AND DRINK

Among modern charity workers there is a growing disinclination toward expressing causes of poverty in terms of percentages, or, indeed, to trace any given case of destitution to a single cause, for instance, intemperance. That the liquor habit makes for poverty is as clear to them as it was to their less well-informed predecessors in philanthropy. But the recognition is gaining ground that too much is often made of it because of its very obviousness. It lies on the surface and seems so indisputable. In seeking an answer to the question, how far intemperance is the cause of want, it is easy to overlook its correlative, how far intemperance is the result of want? To know that the person who knocks at the almshouse door is now, or has been, intemperate, is not enough; one must also ascertain whether the drink habit undermined economic efficiency in the first place, or whether, prior to becoming a cause of misery, it was the effect of wretched social or industrial conditions or resulted from mental weakness. Of course, whether intemperance has its origin in despondency over impending want or in despair over present destitution or other troubles, it soon ceases to operate as a result and becomes a cause of acuter distress. But it is a long way from such general admissions to a statement of the precise extent to which intemperance causes poverty. It is easy to ignore the more subtle factors in the face of a single bad habit which visualizes a cause of poverty.

There are chiefly two things, broadly speaking, which condition a state of destitution: one is opportunity and the other is capacity. Lack of opportunity to earn a living as a widespread cause of destitution is not simply a socialistic doctrine. This needs no further demonstration than the every-day experience of charity workers in times like those through which the country passed during the winter of 1907-8. That the most abject poverty directly traceable to general economic conditions can exist in countries

whose inhabitants are noted for abstemious habits, may be witnessed to-day, for instance, in Italy and Japan.

Only very recently has serious consideration been given to lack of capacity as a cause of destitution. Reference is not so much to the lack of capacity due to absence of industrial training, which has long been recognized, but to the incapacity resulting from want of normal physical and mental powers. This kind of incapacity as a prolific source of poverty has hitherto largely been ignored; in particular has its relations to habits of intemperance been overlooked. To state the proposition differently, it has been overlooked that intemperance so often is a result of mental deficiency. This can no longer be regarded as a question of opinion, but must be accepted as an authoritative fact. Dr. Branthwaite, the inspector of Inebriates' Homes in Great Britain, states that 62 to 63 per cent. of all the cases committed to State reformatories are mentally defective. To quote his words, "mental incompetence stopping short of insanity, holds a prominent position in the cause of habitual drunkenness. . . . . It is morally certain that the large majority of the cases included in the defective section of the table (1124) start life handicapped by weakness." Dr. Gill, the medical director of the Langho Inebriates' Reformatory in England, states that 66 per cent. of those committed are mentally defective, and quoting Dr. Branthwaite's figures as corroborating his own, goes on to say that these figures are of the greatest importance "and reveal a state of affairs that has never been suspected." These statements apply, to be sure, to persons committed to reformatories for "inebriates"; but even of the inmates of the so-called "retreats," a higher class, Dr. Branthwaite says that the fact of their having become slaves to drink "is in itself evidence of the existence of some defect in power of judgment and control over impulses."

Mental deficiency is, however, not the only cause of drunkenness which has received much less attention than deserved. Dr. Branthwaite in his report to the Home Office on this question says: "In addition to transmitted tendency, wilful indulgence, and early environment, there are some other causes for drunkenness which have been forced upon our attention, the most important being ill health, accident, and old age. It is, perhaps, hardly realized how potent ordinary disease and ill health are in the making of inebriates. Predisposition, in the shape of hereditary defect, may be present, and undoubtedly is present, in many persons who

nevertheless manage to live sober lives. Although sometimes it necessitates a life-long fight against inclination, their resisting power enables them to keep clear of that which would otherwise be their ruin. But when disease or ill health impairs vitality, this resisting power is lessened, and predisposition assumes unchecked sway."

Concerning the relation of old age to intemperance, Dr. Branthwaite says: "There is every reason to believe that 65 per cent. (of aged inmates) have, in their early days, lived decent, useful lives, and that their drunkenness of later years has been due to naturally reduced vitality, with an accompanying defect in power of control. The sequence of events is the same in most old-age cases: Loss of work from incapacity due to approaching age, consequent idleness, poverty, friendlessness, impaired power of control, drunkenness. The history is one which might well be as common amongst the higher as amongst the lower classes of society and would certainly be so but for the fact that, in the former, there is usually some interested relative in a position to assume guidance during the later years of life; in the latter there is neither relative able to assume control, nor money to provide hired supervision."

These conclusions from a scientific and unprejudiced investigation can scarcely be said to be reflected in current statements concerning the relation of poverty to drink. Of course they find no place in the sweeping assertions made by those who connect every social ill with intemperance, but they have not in the past received sufficient attention from those whose work it is to understand poverty and relieve it.

The applicability to our condition of the English inquiries concerning the cause of inebriety can not be questioned. If mental weakness, ill health, accidents and old age, in short incapacity, are at the bottom of so much habitual intemperance, it follows that our estimates concerning the extent to which poverty is caused by drink must be rigidly revised, for they have not considered sufficiently the origin of the drink habit, but, having discovered its existence, cheerfully set it down as a cause regardless of its genesis. In other words, accepting the view of the English medical authorities, it is impossible to establish a definite relation between poverty and intemperance from which generalization can be made because so many confirmed inebriates are unfit to struggle with

normal persons in competition for a livelihood, or because drunkenness originates in conditions which of themselves are sufficient to produce poverty.

The currently accepted statement in regard to intemperance as a cause of crime must be modified in the light of this new view. In this place some of the most trustworthy results of special investigations of the subject shall be briefly referred to.

Mr. Charles Booth, in his investigation of poverty, found that in the workhouses at Stepney, London, 26 per cent. of the 634 inmates had been pauperized by drink and 21.9 per cent. of 736 cases at St. Pancras workhouse.

These figures are quite at variance with the results from various other European investigations. The German Imperial Statistical Bureau found in 1885 that only 2.1 per cent. of 1,367,347 cases were pauperized by drink. Dr. Böhmert, in his study of poor relief in 77 German cities, found only 1.3 per cent. Even smaller percentages resulted from investigations made in the cities of Magdeburg and Stuttgart. Austrian statistics led to similar conclusions, namely, that intemperance is the cause of pauperism in from 1 to 3 per cent.

Among investigations in this country the one conducted some years ago by the Committee of Fifty takes first rank as a careful and unbiased study. As a final result of this inquiry it was found that of 29,923 cases reported by charity organization societies and other organizations dealing with the poor in their homes, 18.46 per cent. are attributable to the personal use of liquor; 2.07 per cent. to the intemperate habits of one or both parents, 0.45 per cent. to intemperance of legal guardians, and 7.39 per cent. to the intemperate habit of others, not parents or guardians. Thus the average percentage of poverty due directly or indirectly to drink was 25.06 per cent., with 6.03 per cent. of the total number of cases unaccounted for. In contrast, Mr. Charles Booth, pursuing an investigation in England on the same lines, finds that among 4,000 cases of poverty in East London, 13 and 14 per cent. were due to drink, the higher percentage being connected with a greater degree of poverty. In another investigation made by him comprising 5,000 cases of persons living poor and irregular lives, he found 10 and 11 per cent. of their poverty attributable to drink, dropping to only 5 per cent. for another 3,000 cases of persons who were poor but not so irregularly employed.

Among a total of 8,420 inmates of fifty almshouses representing ten States, the Committee of Fifty found the general average percentage of pauperism due directly or indirectly to drink to be 37.05, with 5.03 per cent. of cases unaccounted for. It is stated that this average "simply stands for an approximate expression of the truth."

The divergence between these statistics resulting from special investigations made at various times and in various countries is altogether remarkable and sufficiently illustrates the difficulty of arriving at accurate statements. There is absolutely nothing in any of them to substantiate the views of extremists, and in the light of the more recent investigations of the relation between the drink habit and physical and mental deficiency, it is altogether probable that even in conservative statistics intemperance has been given much too prominent a place as a cause of poverty. Only within very recent times has due weight been given to other causes of drunkenness, with the results cited. The obstacles to an intensive study, with a view to determining the percentage of poverty due to drink, are almost insurmountable. It requires, among other things, an expert diagnosis of mental conditions and a complete history of each case. The conservative inquiries made in the United States lack this basis and have, therefore, in all probability, given intemperance an exaggerated place as a direct cause of poverty.

#### PAUPERISM IN PROHIBITION STATES

There is, however, another aspect of the relation of the liquor question to poverty which it is pertinent to notice. If intemperance is, as many contend, the most prolific source of poverty, then one should look for a marked diminution of the rate of public pauperism in territories from which it is alleged that the liquor traffic has been excluded. If this is not found to be the case, then only one of the two conclusions is possible: Either the assumed operation of intemperance as the most direct and prolific cause of pauperism does not exist, or the liquor traffic has not been suppressed.

In support of this view the latest official statistics may be cited. The next table is drawn from the United States Census report on Paupers in Almshouses and shows the almshouse population by States in December, 1903, the number admitted during 1904, and the numbers in both groups per 100,000 of population.

The rate of pauperism in almshouses is, of course, more or less determined by a variety of local conditions, which are unaffected by the liquor trade. The question of administration and of the provisions made for the poor is an important one. In States, with a large urban population, where the pressure of competition is keen, the rate will usually be higher than in purely rural States. For purposes of exact comparison these and many other factors must be taken into account. Here the only question is whether the prohibition of the liquor trade is in any way reflected in the pauper returns, that is, through a diminution of the proportion of paupers. There are only three States that can come under survey, namely, Maine, Kansas and North Dakota.

Maine had in December, 1903, a number of paupers in almshouses equal to a rate of 163.1 per 100,000 population. This may be contrasted with a rate of 148.9 for all the North Atlantic States; of 119.1 for Vermont; of 139.8 for New York, of 94.9 for New Jersey (low license), and 135.6 for Pennsylvania. In fact, of all the States, only New Hampshire, Massachusetts, Rhode Island, Connecticut, Ohio, Nevada and California show a larger number of inmates of almshouses per 100,000 of population than the State of Maine. To dwell in detail on the local conditions and peculiar causes explanatory of the divergence in rates as between different States, would carry us too far afield.

If the number of paupers admitted to almshouses in the course of an entire year be taken as the standard of comparison, Maine shows up better alongside the other North Atlantic States, but it still has a rate in excess of Vermont and New Jersey and very nearly the same as that for Rhode Island. On the other hand, only one of the nine South Atlantic States, namely, Maryland; only one of the eleven great license States of the North Central Division, namely, Ohio; and not one of the States of the South Central group show so large a proportion of paupers admitted to almshouses in the course of a year as the State of Maine. In the far Western States, where conditions are less comparable, we find larger rates in a majority of instances.

The validity of comparing the relative number of paupers in an old State like Maine with that of a newer State having a more youthful population and an undeveloped almshouse system, is open to some question. It has been shown, however, that Maine

POPULATION IN ALMHOUSES, 1903, THE NUMBER ADMITTED DURING  
1904 AND NUMBER PER 100,000 OF POPULATION.

STATE.	General Population.	Number in Almhouses 1903.	Number per 100,000 of Population.	Number Admitted, 1904.	Number per 100,000 of Population.
Continental U. S....	80,651,957	81,764	101.4	81,412	100.9
Maine.....	706,427	1,152	163.1	828	117.2
New Hampshire....	424,150	1,140	268.8	646	152.3
Vermont.....	347,660	414	119.1	231	66.4
Massachusetts....	3,008,304	5,934	197.3	8,398	279.1
Rhode Island.....	458,314	788	171.9	551	120.2
Connecticut.....	966,528	2,067	213.9	2,336	241.7
New York.....	7,722,443	10,793	139.8	12,073	156.3
New Jersey.....	2,040,882	1,936	94.9	1,589	77.8
Pennsylvania.....	6,676,216	9,054	135.6	9,738	145.8
Delaware.....	190,556	278	145.9	183	96.0
Maryland.....	1,240,236	1,633	131.7	1,617	130.4
Dist. of Columbia...	296,035	230	77.7	148	49.9
Virginia.....	1,925,208	1,915	99.5	2,159	112.1
West Virginia.....	1,029,035	881	85.6	719	69.8
North Carolina....	1,992,661	1,519	76.2	863	43.3
South Carolina....	1,408,100	686	48.7	432	30.6
Georgia.....	2,352,132	1,032	43.9	726	30.9
Florida.....	577,677	124	21.5	380	65.8
Ohio.....	4,331,414	8,172	188.7	7,091	163.7
Indiana.....	2,632,582	3,120	118.5	1,800	68.4
Illinois.....	5,178,163	5,635	108.8	4,446	85.8
Michigan.....	2,518,659	2,594	103.0	2,472	98.1
Wisconsin.....	2,203,671	1,606	72.9	1,092	49.1
Minnesota.....	1,909,459	547	28.6	517	27.1
Iowa.....	2,346,361	2,019	86.0	896	38.2
Missouri.....	3,259,845	2,465	75.6	1,123	34.4
North Dakota.....	365,070	184	50.4	163	44.6
South Dakota.....	420,550	159	37.8	150	35.7
Nebraska.....	1,067,606	464	43.5	174	16.3
Kansas.....	1,485,683	780	52.5	555	37.4
Kentucky.....	2,250,567	1,678	74.6	1,013	45.0
Tennessee.....	2,111,310	1,812	85.8	1,460	69.1
Alabama.....	1,941,678	761	39.2	748	38.5
Mississippi.....	1,645,035	517	31.4	227	13.8
Louisiana.....	1,475,880	149	10.1	75	5.1
Texas.....	3,340,100	913	27.3	901	26.9
Indian Territory....	467,982	....	....	....	....
Oklahoma.....	512,946	52	10.1	87	16.9
Arkansas.....	1,337,265	575	41.7	982	73.4
Montana.....	279,308	314	112.4	759	270.2
Wyoming.....	103,272	....	....	....	....
Colorado.....	585,011	398	68.0	694	118.6
New Mexico.....	207,861	....	....	....	....
Arizona.....	135,361	146	107.9	436	322.1
Utah.....	300,388	184	61.3	124	41.3
Nevada.....	42,335	171	403.9	347	819.6
Idaho.....	188,010	70	37.2	168	89.3
Washington.....	575,749	306	63.1	420	72.9
Oregon.....	447,876	257	57.4	545	121.7
California.....	1,582,396	4,140	261.6	8,330	526.4



exhibits an unfavorable pauper rate also when brought into contrast with States where such differences do not count.

For Kansas and North Dakota comparisons may be confined chiefly to States within the same geographical division. The number of paupers found in almshouses in Kansas on December, 1903, for each 100,000 of population was 52.5. This is considerably in excess of such numbers for the neighboring State of Nebraska 43.5 (high license), South Dakota 37.8 and Minnesota 28.6. The relative number of admissions affords figures even less favorable to Kansas, as her proportion is not only larger than that in the States just mentioned, but also larger than in Missouri and practically equal to that in Iowa.

More striking in some respects are the figures for North Dakota, a new State without a single city of importance, and having a youthful population engaged largely in agriculture. Yet it had in 1903 a relatively larger pauper population than found in Nebraska and in the two neighboring license States Minnesota and South Dakota. What is more significant, the relative number of admissions to almshouses in 1904 was also larger than that in Nebraska, Minnesota, Iowa and Missouri, and not much behind Wisconsin. Further comparisons would be superfluous.

Once more it must be emphasized that the ratios adduced cannot be accepted as accurate measurement of the comparative extent of pauperism. Their meaning as bearing upon the general problem of poverty does not enter into the discussion. They do, however, refute completely the notion that pauperism is visibly less in prohibition States than in States under license. Therefore, persons holding to the belief that practically all pauperism is due to intemperance find themselves in this dilemma so far as Maine, Kansas and North Dakota are concerned: Either they must abandon their claims about the amount of poverty caused by drink, or they must admit that the prohibitive legislation fails utterly in one of its most cherished aspects.

A wider application might be made of the same line of argument. Year by year the legalized trade in intoxicants has been excluded from over an increasing territory. Meanwhile, other and more potent agencies for moderation in the use of intoxicants have been at work. But the effect is nowhere shown in constantly diminishing rates of pauperism. Nor is it apparent anywhere that private effort to counteract and relieve poverty can afford

to be relaxed. To attribute this state of things solely to lack of enforcement of law would be as unreasonable as to contend that intemperance is not prominent among the causes of want. The truth is that a condition of poverty may exist and the poor may multiply in consequence of economic and other influences quite independent of personal habits in respect to the use of intoxicants.

### III.

#### CRIME AND DRINK.

Those who cheerfully assume that the definite relations of the drink habit to criminality have been established argue ignorantly or are engaged in wilful misrepresentation for purposes of propaganda. That certain offenses are direct products of intoxication is patent to any observer; likewise that other offenses can be more or less immediately ascribed to a mental and physical condition weakened by alcohol. But it is a far cry from such observations to trustworthy general facts purporting to show the extent to which the drink habit "causes" crime.

Writers on this subject usually arrive at their conclusions in one of three ways: (1) By guess-work, often dictated by what they wish to "prove"; (2) by arguing from so-called criminal statistics; (3) by special statistical inquiry. The mere guesses or assertions emanating from unduly stimulated imaginations may be ignored and attention directed to the teachings of the other methods of inquiry.

They are usually one of two kinds, namely: statistics of arrests for all offenses or statistics of prisoners, whether of the prison population on a given date or of commitments to prison. Self-evidently, statistics of these kinds do not purport to establish any definite connection between the liquor habit and crime; and can at most have usefulness as a possible illustration of the growth or diminution of criminality in their relation to efforts to repress the liquor traffic. The meaning of statistics of arrests for drunkenness and the deductions to be drawn from them have already been set forth.

#### STATISTICS OF ARRESTS FOR ALL OFFENSES.

The number of persons arrested in a community is not proof positive of the prevailing volume of criminality, but only an indi-

cation of the extent to which crime is repressed. In other words, the widely divergent proportions of arrests for all offenses as between different communities show that the standards of enforcement are for apart rather than the comparative extent of criminality. This statement receives abundant illustration in the next table following, which shows the number of arrests in 1905 in cities of over 30,000 for all offenses and the number per 10,000 inhabitants. The table is drawn from the United States Census report on Statistics of Cities, 1907.

The variation in ratios of arrests is so great as to render generalizations from comparisons of the extent of crime futile.

In cities having more than 300,000 inhabitants the proportion of arrests run from 217.4 in Milwaukee, to 1,087.5 in Washington, D. C. In cities having from 50,000 to 300,000 inhabitants, the ratio varies from 182.6 in Reading, Pa., to 2,195.2 in Dallas, Texas. Of the cities having from 30,000 to 50,000 inhabitants, the same ratio varies from 156.1 in Malden, Massachusetts (a no-license city in the immediate proximity of licensed Boston), to 2,146.0 in Birmingham, Alabama. The extraordinary proportion of arrests for all offenses in Southern cities hints abundantly at the fact that the crime question cannot be considered apart from racial and other social conditions. To assert that the enormous divergence in ratios of arrests for all offenses furnishes an index to the true volume of crime would, in some instances, be equivalent to declaring one city practically free from crime as compared with another, which is contrary to all known facts, and matters of every day observation.

But there is another side to this question which deserves some mention. If the proportion of arrests for all offenses to population can be used at all in any measurement of the relation between the liquor problem and the prevalence of crime, one should expect the no-license cities and municipalities in prohibition States to furnish very low ratios. But this is not the case, and the conclusion is therefore inevitably forced upon one that the liquor laws in such cities are so badly enforced, or not enforced at all, that the alleged repressive methods have no effect upon the volume of criminality. Take, for instance, the fact that of the 152 cities mentioned in the table, there are no less than 80 which show a lower ratio of arrests per 10,000 inhabitants than Portland, Maine. Among these 80 are high-license cities and low-license cities, and, exceptionally, a

no-license city. And where one of the latter is found, it is usually in such close proximity to a license city as to make comparisons absolutely deceptive. The cities of Somerville, Malden, and Newton, Mass., which are all immediate suburbs of Boston, may be cited in illustration. On the other hand, no-license Brockton, Mass., twenty miles from Boston, has a larger ratio of arrests than Portland, Maine. The cities of Wichita, Topeka and Kansas City, all in prohibition Kansas, make even a less favorable showing than Portland, Maine.

What available crime statistics mean in no-license and prohibition communities will be discussed on another page. Here it shall only be emphasized that statistics of arrests for all offenses afford a favorable and perhaps unmerited showing for some communities where the liquor traffic is under legal restraint, and a very sorry showing for communities from which it is supposed to be wholly banished. The statistics in question prove nothing conclusive in regard to the comparative volume of crime and fail to indicate the relation between crime and the liquor habit. So far as such relation exists they show, however, that it is quite as marked in no-license or prohibition cities as in many cities under various forms of license.

NUMBER OF ARRESTS IN CITIES DURING 1905 FOR ALL OFFENSES  
AND NUMBER PER 10,000 OF POPULATION.

CITY.	Estimated Population.	Number of Arrests	
		For all Offenses	Per 10,000 of Population
New York, N. Y.....	4,000,403	198,256	495.5
Chicago, Ill.....	1,990,750	82,572	414.8
Philadelphia, Pa.....	1,417,062	80,855	570.5
St. Louis, Mo.....	636,973	26,255	412.2
Boston, Mass.....	595,380	48,358	812.2
Baltimore, Md.....	546,217	34,486	631.3
Cleveland, Ohio.....	437,114	29,739	680.3
Buffalo, N. Y.....	376,914	20,475	543.2
San Francisco, Cal.....	No estimate	29,635	.....
Pittsburg, Pa.....	364,161	28,208	774.6
Cincinnati, Ohio.....	343,337	15,245	444.0
Detroit, Mich.....	325,563	11,113	341.3
Milwaukee, Wis.....	312,948	6,804	217.4
New Orleans, La.....	309,639	24,418	788.5
Washington, D. C.....	302,883	32,940	1087.5
Newark, N. J.....	283,289	7,541	266.1
Minneapolis, Minn.....	261,974	7,590	289.7

NUMBER OF ARRESTS IN CITIES DURING 1905 FOR ALL OFFENSES  
AND NUMBER PER 10,000 OF POPULATION.—*Continued.*

CITY.	Estimated Population.	Number of Arrests.	
		For all offenses	Per 10,000 of Population
Jersey City, N. J.....	282,699	10,376	445.8
Louisville, Ky.....	222,660	7,545	338.8
Indianapolis, Ind.....	212,198	7,795	367.3
Providence, R. I.....	198,635	11,073	557.4
St. Paul, Minn.....	197,023	5,261	267.0
Rochester, N. Y.....	182,022	6,970	382.9
Kansas City, Mo.....	179,272	20,567	1141.6
Toledo, Ohio.....	155,287	5,125	330.0
Denver, Colo.....	150,317	11,170	743.0
Allegheny, Pa.....	142,848	4,372	306.0
Columbus, Ohio.....	142,105	5,615	395.1
Worcester, Mass.....	128,135	5,505	429.6
Los Angeles, Cal.....	.....	11,123	.....
Memphis, Tenn.....	121,235	5,417	446.8
Omaha, Neb.....	120,565	9,570	793.7
New Haven, Conn.....	119,027	5,619	472.0
Syracuse, N. Y.....	117,129	4,943	422.0
Scranton, Pa.....	116,111	3,778	325.3
St. Joseph, Mo.....	115,479	4,295	371.9
Paterson, N. J.....	111,529	2,996	268.6
Fall River, Mass.....	105,762	4,055	383.4
Portland, Ore.....	104,141	9,655	927.1
Atlanta, Ga.....	102,702	17,195	1674.2
Seattle, Wash.....	98,586	6,882	698.0
Dayton, Ohio.....	98,350	5,566	565.9
Albany, N. Y.....	97,806	3,457	353.4
Grand Rapids, Mich.....	97,756	3,206	327.9
Cambridge, Mass.....	97,434	3,205	328.9
Lowell, Mass.....	94,889	4,915	517.9
Hartford, Conn.....	93,160	5,628	604.1
Reading, Pa.....	89,111	1,628	182.6
Richmond, Va.....	86,880	7,123	819.8
Nashville, Tenn.....	84,227	10,329	1226.3
Trenton, N. J.....	84,180	3,154	374.6
Wilmington, Del.....	83,860	4,423	527.4
Camden, N. J.....	83,363	2,872	344.5
Bridgeport, Conn.....	82,061	3,709	451.9
Lynn, Mass.....	77,042	5,451	707.5
Troy, N. Y.....	76,271	1,809	237.1
Des Moines, Iowa.....	75,626	6,971	921.7
New Bedford, Mass.....	74,362	1,862	250.3
Springfield, Mass.....	73,540	2,977	404.8
*Oakland, Cal.....	72,670	5,877	808.7
*Lawrence, Mass.....	70,050	3,032	403.0
Somerville, Mass.....	69,272	1,658	239.3
Kansas City, Kans.....	67,614	3,755	555.3
*Savannah, Ga.....	67,313	5,562	826.2
*Hoboken, N. J.....	65,468	2,597	396.6
Peoria, Ill.....	65,026	3,346	514.5

NUMBER OF ARRESTS IN CITIES DURING 1905 FOR ALL OFFENSES  
AND NUMBER PER 10,000 OF POPULATION.—*Continued.*

CITY.	Estimated Population.	Number of Arrests.	
		For all Offenses.	Per 10,000 of Population.
Duluth, Minn.....	64,942	3,004	462.5
*Utica, N. Y.....	63,647	2,880	452.4
Manchester, N. H.....	63,417	1,362	214.7
*Evansville, Ind.....	63,132	2,075	328.6
Yonkers, N. Y.....	61,414	2,038	331.8
†San Antonio, Tex.....	61,146	2,895	473.4
Elizabeth, N. J.....	60,509	1,748	288.8
Waterbury, Conn.....	60,109	2,628	437.2
Salt Lake City, Utah.....	58,914	4,619	784.0
Erie, Pa.....	58,783	2,135	363.2
Wilkesbarre, Pa.....	58,721	2,066	351.8
Schenectady, N. Y.....	58,213	2,660	456.9
Norfolk, Va.....	58,006	8,850	1525.7
Houston, Tex.....	54,300	4,770	847.4
Charleston, S. C.....	56,232	3,439	611.5
Harrisburg, Pa.....	54,807	2,681	489.1
Portland, Me.....	54,330	2,625	483.1
Dallas, Tex.....	52,248	11,470	2195.2
Tacoma, Wash.....	51,962	2,580	496.5
Terre Haute, Ind.....	51,903	4,082	786.4
Youngstown, Ohio.....	51,516	5,274	1023.7
Fort Wayne, Ind.....	49,975	994	198.8
Holyoke, Mass.....	49,934	1,650	330.4
Akron, Ohio.....	49,403	1,594	322.6
*Brockton, Mass.....	47,794	2,334	488.3
Saginaw, Mich.....	47,676	1,653	346.7
Lincoln, Neb.....	46,874	2,042	437.3
Lancaster, Pa.....	46,184	1,748	378.4
Covington, Ky.....	45,877	2,263	493.2
Altoona, Pa.....	45,557	2,882	632.6
Spokane, Wash.....	45,313	2,988	880.1
Birmingham, Ala.....	44,640	9,580	2146.0
Pawtucket, R. I.....	41,381	1,654	381.2
South Bend, Ind.....	43,204	1,275	295.1
Binghamton, N. Y.....	43,096	1,635	379.3
Augusta, Ga.....	42,511	3,881	912.9
Bayonne, N. J.....	42,262	2,272	537.5
Mobile, Ala.....	42,164	5,753	1364.4
Johnstown, Pa.....	42,160	1,801	427.3
McKeesport, Pa.....	42,024	2,552	607.2
Dubuque, Iowa.....	41,941	726	173.1
Butte, Mont.....	41,757	3,247	777.5
Springfield, Ohio.....	41,433	2,122	512.1
Wheeling, W. Va.....	41,058	1,841	448.3
Sioux City, Iowa.....	40,952	2,404	587.0
Bay City, Mich.....	40,614	1,758	432.8
Allentown, Pa.....	40,571	1,525	375.8
Davenport, Iowa.....	39,797	2,700	678.4
Montgomery, Ala.....	39,769	4,457	1120.7

NUMBER OF ARRESTS IN CITIES DURING 1905 FOR ALL OFFENSES  
AND NUMBER PER 10,000 OF POPULATION.—*Continued.*

CITY.	Estimated Population.	Number of Arrests.	
		For all Offenses.	Per 10,000 of Population.
East St. Louis, Ill.....	39,385	7,347	1865.4
Little Rock, Ark.....	38,716	6,768	1748.1
Quincy, Ill.....	38,632	809	209.9
York, Pa.....	38,258	816	213.2
Springfield, Ill.....	38,234	5,155	1348.2
Malden, Mass.....	38,037	594	156.1
Canton, Ohio.....	37,907	1,771	467.1
Passaic, N. J.....	37,837	1,193	315.2
Haverhill, Mass.....	37,830	1,736	458.8
*Topeka, Kans.....	37,641	2,211	587.3
Salem, Mass.....	27,627	1,242	330.0
Altantic City, N. J.....	37,593	2,280	606.4
Chester, Pa.....	37,333	1,534	410.8
Chelsea, Mass.....	37,289	1,949	522.6
Newton, Mass.....	36,827	845	229.0
Superior, Wis.....	36,551	2,085	570.4
Elmira, N. Y.....	35,724	1,409	394.4
Knoxville, Tenn.....	35,482	3,150	887.7
Newcastle, Pa.....	35,429	1,536	433.5
Jacksonville, Fla.....	35,301	3,811	1079.5
S. Omaha, Neb.....	34,971	2,319	663.1
Rockford, Ill.....	34,621	1,804	521.0
Chattanooga, Tenn.....	34,179	5,120	1497.9
Joplin, Mo.....	34,063	3,926	1152.5
Galveston, Tex.....	33,484	2,954	882.2
Fitchburg, Mass.....	33,021	1,439	435.7
Macon, Ga.....	32,618	4,037	1237.6
Auburn, N. Y.....	32,527	1,383	425.1
Racine, Wis.....	32,290	584	180.8
Woonsocket, R. I.....	32,196	1,006	312.4
Joliet, Ill.....	31,713	1,910	602.2
Kalamazoo, Mich.....	31,127	1,210	388.7
Wichita, Kans.....	31,110	2,785	895.2
Taunton, Mass.....	30,967	1,553	501.5
Sacramento, Cal.....	30,723	2,813	915.6
Oshkosh, Wis.....	30,575	638	208.6
Pueblo, Colo.....	30,457	3,110	1021.1
New Britain, Conn.....	30,178	1,064	352.5
La Crosse, Wis.....	29,078	1,052	361.7

CRIME IN HIGH AND LOW LICENSE CITIES.

The common contention that crime is particularly rampant under low-license systems receives no confirmation from statistics of arrests for all offenses. Below is given a table showing the ratios of arrests for all offenses per 10,000 inhabitants during 1905 in certain cities. The list of cities is taken from the Year Book<sup>1</sup> of the Anti-Saloon League for 1908. The figures are drawn from the

preceding table. Taking all the low-license cities together an average of 567.7 arrests per 10,000, as against a ratio of 599.3 for the high-license cities. That is, the ratio was higher by 31.6 in the low-license cities, a difference so slight that it would be wiped out by the substitution of one or two other high-license cities in place of those given. These statistics, could they be taken as competent evidence of the relative extent of criminality, point to the untruth of the claim that crime becomes more prolific under low-license than under high. Whether drunkenness increases under low license is another story; drunkenness is not synonymous with crime.

NUMBER OF ARRESTS DURING 1905 IN HIGH LICENSE CITIES FOR ALL OFFENSES AND NUMBER PER 10,000 OF POPULATION.

CITY.	Estimated Population.	Number of Arrests.	
		For all Offenses.	Per 10,000 of Population.
New York, N. Y.....	4,000,403	198,256	495.5
Chicago, Ill.....	1,990,750	82,572	414.8
Philadelphia, Pa.....	1,417,062	80,855	570.5
St. Louis, Mo.....	636,973	26,255	412.2
Boston, Mass.....	595,380	48,358	812.2
Buffalo, N. Y.....	376,914	20,475	543.2
Pittsburg, Pa.....	364,161	28,208	774.6
Detroit, Mich.....	325,563	11,113	341.3
Minneapolis, Minn.....	261,974	7,590	289.7
St. Paul, Minn.....	197,023	5,261	267.0
Denver, Colo.....	150,317	11,170	743.0
Allegheny, Pa.....	142,848	4,372	306.0
Worcester, Mass.....	128,135	5,505	429.6
Los Angeles, Cal.....	.....	11,123	.....
Omaha, Neb.....	120,565	9,570	793.7
Syracuse, N. Y.....	117,129	4,943	422.0
Scranton, Pa.....	116,111	3,778	325.3
St. Joseph, Mo.....	115,479	4,295	371.9
Fall River, Mass.....	105,762	4,055	383.4
Atlanta, Ga.....	102,702	17,195	1674.2
Seattle, Wash.....	98,586	6,882	698.0
Albany, N. Y.....	97,806	3,457	353.4
Grand Rapids, Mich.....	97,756	3,206	327.9
Reading, Pa.....	89,111	1,628	182.6
Camden, N. J.....	83,363	2,872	344.5
Lynn, Mass.....	77,042	5,451	707.5
Troy, N. Y.....	76,271	1,809	237.1
Des Moines, Iowa.....	75,626	6,971	921.7
New Bedford, Mass.....	74,362	1,862	250.3
Springfield, Mass.....	73,540	2,977	404.8
Lawrence, Mass.....	70,050	3,032	403.0
Utica, N. Y.....	63,647	2,880	452.4
	12,242,411	647,976	



**NUMBER OF ARRESTS DURING 1905 IN LOW LICENSE CITIES FOR ALL  
OFFENSES AND NUMBER PER 10,000 OF POPULATION.**

CITY.	Population Estimated.	Number of Arrests.	
		For all Offenses.	Per 10,000 of Population.
Baltimore, Md.....	546,217	34,486	631.3
Cleveland, Ohio.....	437,114	29,739	680.3
Cincinnati, Ohio.....	343,337	15,245	444.0
Milwaukee, Wis.....	312,948	6,804	217.4
New Orleans, La.....	309,639	24,418	788.5
Washington, D. C.....	302,883	32,940	1087.5
Newark, N. J.....	283,289	7,541	266.1
Jersey City, N. J.....	282,699	10,376	445.8
Louisville, Ky.....	222,660	7,545	338.8
Indianapolis, Ind.....	212,198	7,795	367.3
Providence, R. I.....	198,635	11,073	557.4
Kansas City, Mo.....	179,272	20,567	1141.6
Toledo, Ohio.....	155,287	5,125	330.0
Columbus, Ohio.....	142,105	5,615	395.1
Memphis, Tenn.....	121,235	5,417	446.8
New Haven, Conn.....	119,027	5,619	472.0
Scranton, Pa.....	116,111	3,778	325.3
Portland, Ore.....	104,141	9,655	927.1
Dayton, Ohio.....	98,350	5,566	565.9
Hartford, Conn.....	93,160	5,628	604.1
Richmond, Va.....	86,880	7,123	819.8
Nashville, Tenn.....	84,227	10,329	1226.3
Trenton, N. J.....	84,180	3,154	374.8
Wilmington, Del.....	83,860	4,423	527.4
Bridgeport, Conn.....	82,061	3,709	451.9
Oakland, Cal.....	72,670	5,877	808.7
Savannah, Ga.....	67,313	5,562	826.2
Hoboken, N. J.....	65,468	2,579	396.6
Evansville, Ind.....	63,132	2,075	328.6
San Antonio, Tex.....	61,146	2,895	473.4
	5,331,344	302,668	

**PRISON STATISTICS.**

If the statistics of arrests for all offenses are of little avail in illuminating the relation between crime and the liquor habit, not much more can be said for prison statistics, except this: In the same manner as arrests for all offenses, they show that whatever the relation between drink and crime may be, this relation exists in the same degree in States under prohibition as in States under the same form of license.

The figures for the next table are drawn from the United States Census report on Prisoners and covers the year 1904. The sta-

tistics show, by States, the commitments on a term sentence to all prisons during twelve months for these three classes of offenses: (1) against public policy; (2) against property, and (3) against the person. Statistics of the same kind for cities are not available and would not be so significant.

Drunkenness, disorderly conduct, and a host of minor offenses form the bulk of those designated as against public policy. In this class the commitments to prisons in States and territories (exclusive of the District of Columbia) range from 4.9 per 100,000 inhabitants in Arkansas to 377.2 in Massachusetts. Between these extremes are ratios in general so divergent that they only serve to show how standards of enforcements differ (the lack of abundance of repressive measures), and *not* the extent to which the population of States commit offenses against public policy.

Incidentally, significant comparisons can be made between States under prohibition and those under license. If prohibition is effective and crime is attributable to the liquor habit in the degree claimed by some, why do the prohibition States show such unfavorable ratios? Only seven of all the States and territories show a higher ratio of commitments for offenses against public policy than Maine. Kansas makes a better appearance, as twenty-four States had higher ratios of commitments for this class of offenses. But North Dakota compares rather unfavorably with Kansas for only twenty-one States have larger ratios of commitments for offenses against public policy than North Dakota.

It must be conceded that in prohibition States, notably in Maine, a sterner effort which sometimes prevails to repress drunkenness and punish illegal selling would naturally tend to swell the commitments for offenses against public policy. A similar concession cannot be made, however, in regard to the remaining crime classes, namely, against property and against the person.

Criminal acts evidencing a criminal bent for the most part take the form of offenses against property, and commitments to prison of this class therefore have a peculiar significance as making the volume of crime.

There is a much smaller discrepancy in ratios of commitments for offenses against property exhibited by the various States; they run from 16.8 per 100,000 of population in Mississippi to 111.0 in Nevada. Maine, although largely an agricultural community, is only surpassed by 28 States, including, of course, most of those

NUMBER COMMITTED TO PRISON ON A TERM SENTENCE DURING 1904,  
AND NUMBER PER 100,000 OF POPULATION FOR STATES.

STATES.	Population.	-1-	-2-	-3-	Ratios		
		Against pub. Policy	Against Property.	Against the Person.	-1-	-2-	-3-
Cont'l U. S.	81,301,848	89,688	38,292	15,597	110.3	47.1	19.2
Maine.....	708,096	1,400	278	84	197.7	39.2	11.9
New Hamp.	425,904	767	177	57	180.1	41.6	13.4
Vermont....	348,222	140	103	18	40.2	29.6	5.2
Mass'asetts.	3,036,626	11,454	2,164	658	377.2	71.2	21.6
Rhode I'nd.	462,468	853	238	137	184.4	51.5	29.6
Connecticut	974,635	2,711	866	343	277.1	88.8	35.2
New York..	7,785,730	22,656	5,218	1,472	290.9	67.0	18.9
New Jersey.	2,062,821	5,937	1,178	885	287.8	57.1	42.9
Penn'vania.	6,728,415	8,903	3,364	1,500	132.3	49.9	22.3
Delaware...	191,366	45	99	50	23.5	51.7	26.1
Maryland..	1,247,515	1,293	555	307	103.6	44.5	24.6
Dist. of Col.	298,453	6	82	31	2.0	27.5	10.4
Virginia....	1,935,116	512	734	410	26.4	37.9	21.2
W. Virginia..	1,038,837	323	583	377	31.1	56.1	36.3
N. Carolina.	2,006,453	604	647	421	30.9	32.4	20.9
S. Carolina..	1,417,560	269	367	168	18.9	25.9	11.8
Georgia.....	2,371,081	546	441	339	23.0	18.6	14.3
Florida.....	584,533	130	385	166	22.2	65.8	28.4
Ohio.....	4,355,676	3,772	2,390	987	86.6	54.8	22.6
Indiana.....	2,648,786	757	1,317	506	28.6	49.7	19.1
Illinois.....	5,227,923	1,381	2,039	683	26.4	39.0	13.1
Michigan....	2,532,288	4,599	1,119	338	181.6	44.2	13.3
Wisconsin...	2,222,457	2,590	711	228	116.5	31.9	10.2
Minnesota...	1,931,514	992	658	219	51.3	34.1	11.3
Iowa.....	2,362,340	3,760	879	256	159.1	37.2	10.8
Missouri....	3,281,219	829	1,439	583	25.2	43.9	17.8
N. Dakota...	371,478	189	104	51	50.9	27.9	13.7
S. Dakota...	423,199	90	193	70	21.3	45.6	16.5
Nebraska...	1,067,786	253	339	138	23.7	31.8	12.9
Kansas.....	1,487,804	545	1,125	398	36.6	75.6	26.7
Kentucky...	2,264,994	1,097	725	430	48.4	32.0	18.9
Tennessee...	2,123,965	278	564	360	13.1	26.5	16.9
Alabama....	1,957,445	225	488	322	11.5	24.9	16.4
Mississippi..	1,658,119	379	279	301	22.8	16.8	18.2
Louisiana...	1,489,033	347	511	330	23.3	34.3	22.2
Texas.....	3,380,759	438	1,369	449	12.9	40.5	13.3
Indian Ter..	478,578	....	....	....	....	....	....
Oklahoma...	528,940	86	70	12	16.2	13.2	2.3
Arkansas...	1,386,432	69	435	237	4.9	31.4	17.1
Montana....	284,330	491	287	101	172.7	100.9	35.5
Wyoming...	104,773	35	108	35	33.4	103.0	33.4
Colorado....	591,334	214	503	212	36.2	85.1	35.8
N. Mexico...	209,614	35	90	65	16.6	42.9	31.0
Arizona.....	137,096	280	111	75	204.2	80.9	54.7
Utah.....	303,687	516	225	45	169.9	74.1	14.8
Nevada.....	42,335	158	47	20	373.2	111.0	47.2
Idaho.....	191,670	183	68	21	95.5	35.5	10.9
Washington.	583,792	587	490	137	100.5	83.9	23.5
Oregon.....	452,667	94	199	60	20.7	43.9	13.2
California...	1,595,981	5,870	1,661	503	367.8	104.7	31.5

with larger urban centers, in the proportion of her citizens, who in the course of twelve months, are committed to prison for offenses against property. Even States like Illinois, Minnesota, Wisconsin, Nebraska and Iowa, not to mention most of the Southern States, present a more flattering crime picture.

Only eight States had a larger proportion of commitments for offenses against property than prohibition Kansas. Among them is not a single State in the middle West and South, and only one in New England, namely, Connecticut. The remaining seven belong to the western tier of States. Again it must be emphasized that these facts do not prove the comparative extent of crime against property in Kansas, but that, whatever deductions must be made for the presence of a large federal prison, the prohibition law is wholly ineffective as a means of checking crime.

In the respect under consideration, North Dakota makes a much better showing as only seven States have a smaller proportion of commitments for offenses against property. But North Dakota is purely an agricultural State, sparsely settled, with hardly a city worthy of the name, and containing a foreign population which, if not particularly noted for sobriety, is remarkably law-abiding.

The only real light these statistics of commitments for offenses against property throw upon their relation to the liquor habit is that the proportion of such offenses do not diminish appreciably under sumptuary laws. Either such laws are inoperative or the liquor habit cannot be such a prolific source of crime as many believe.

One is led to the same conclusion by an examination of the commitments for offenses against the person. Here the ratios attributed to the various States exhibit a greater degree of uniformity and the showing for Maine appears rather favorable as only eight States (including the District of Columbia) have lower ratios.

The matter assumes a different aspect, however, upon further analysis. Homicide is easily the chief crime against the person and is frequently committed while under the influence of liquor. Now in the State of Maine, among the offenses against the person classed as such in the table were 44 commitments for homicide, equivalent to 6.2 per 100,000 of population. This is a higher ratio than for any of the other eight States in the North Atlantic division, except Connecticut. In other words, New Hampshire,

Vermont, Massachusetts, Rhode Island, New York, New Jersey and Pennsylvania, all show lower ratios of commitments for homicides.

Both Kansas and North Dakota had larger proportions of commitments for offenses against the person than Maine, also relatively larger ratios of commitments for homicides. It is, therefore, unnecessary to carry these comparisons farther. But it may be said in passing that an attempt to trace a general relation between the liquor habit and the numerous homicides in the United States betrays an ignorance of other known crime factors; and is, moreover, equivalent to the concession that in this respect sumptuary legislation is a failure, as it has failed utterly to check crime.

#### RESULTS OF SPECIAL INQUIRY.

No sane man denies that the liquor habit is very productive of anti-social acts. But to what extent? He who assumes that it is the direct cause of most criminal offenses is at once confronted by stubborn facts like the following:

The United States, with a much smaller consumption of liquor and less visible drunkenness than England and Germany, has a much larger crime rate. Italy, which is reckoned among the soberest of nations, has a very much higher proportion of criminals than Denmark, where the consumption of intoxicants is inordinate. Among the immigrants in this country the Italians and Hebrews bear a singular reputation for sobriety, yet they contribute percentages of criminals in excess of their representation among the total foreign born population. That is to say, criminal tendencies are more pronounced among them than among the Germans, Irish, Scandinavians and English, peoples who for the greater part are reckoned comparatively unsobber. "Relative to their numerical representation and importance among the foreign born peoples in the United States, the Germans are the least conspicuous among the foreign born prisoners." (United States Census Report, 1904). On the other hand the Italians show proportionately the largest percentages of major criminals of all the immigrant races. The number of commitments for homicides per 100,000 inhabitants in 1904 was only 5.6 in the North Atlantic States and only 8.4 in the North Central States, both of which groups are supposed to be especially given over to the use of liquor. But in the South Atlantic and South Central States the ratios of homicides were,

respectively, 21.3 and 24.5. Yet both of the last mentioned State groups are swayed by a strong temperance sentiment and have a large territory under prohibition.

Why in the face of such facts, which could be multiplied almost indefinitely, the view of the liquor habit as the chief source of criminality should maintain its currency is not difficult to understand. For the most part unenlightened authorities treat the confirmed drunkard as a criminal whenever he is apprehended. He consequently figures very largely in the prison returns. It is perhaps natural for superficial minds to argue from this to a causal relation between crime and drink in general. If the matter is made one of special inquiry similar conclusions are easily reached, especially if they are desired. Prisoners, especially the real criminals, are quick to discover whether their interrogator has a violent prejudice against liquor and are perfectly willing to cater to it. Furthermore, there is no explanation of the cause of crime so convenient; it relieves one from groping among less palpable forces that influence for evil, and it is an explanation containing an excuse from the prisoner's point of view when he can say, "I did this when I was not myself, because I was drunk." Therefore, one who sets out to discover that most crime is attributable to drink will find plenty of apparently corroborative evidence which, however, does not as a rule establish the truth.

Leaving out of consideration the many men and women whose sole offense is drunkenness, there is a considerable class of semi-criminals or occasional criminals who are more or less intemperate. It is far from obvious, however, that intemperance is the direct cause of their criminal doings. They are, as Dr. Branthwaite has pointed out, mentally unsound, and commonly as a result of congenital defects, which, of course, become intensified by drink or any other vice. How far such persons should be reckoned socially responsible and how an enlightened community should deal with them, is not to be discussed here. Suffice it to say that it is the habit of society in these cases to try and cure natural defects by imprisonment.

That a criminal condition may also have a physiological basis entirely distinct from degeneration due to alcohol in the case of the professional criminal, is generally agreed upon by criminologists. Offenders of this class often require a skill and nerve which is not possessed by the inebriate. Most of them begin their criminal

career while young, or long before habits of intemperance might become fixed. The causes that lead them to a criminal life are usually very complex. It may be a combination of environment, lack of training (industrial and moral), a degenerate organism, etc. In most instances a criminal condition springs from a variety of causes that are exceedingly difficult to disentangle. But intemperance is rarely a direct cause of professional crime. That the confirmed or habitual criminal frequently ends life as an inebriate is another story.

A third class of persons found in prisons consists of accidental offenders. Among them are some who owe their condition directly to intoxication. That assaults, other acts of violence, even murder, are committed by persons who are "crazed by drink" is a common police experience. What proportion such accidental offenders bear to the whole number dealt with as criminals during a given period, has not been established. It is not larger, but among them is the greatest number of whom it may be said that their condition can be traced to intemperance.

The absence of a basis for dogmatic utterances about the relation of crime to intemperance is thus apparent. Very few scientific investigations have been made to find out. The results of the cautious inquiry made by the Committee of Fifty are well known. While it found that drink had some relation to the criminal condition of about one-half of the cases investigated, intemperance appeared as a sole cause in but 16 per cent. Whether a similar inquiry, undertaken in the light of recent evidence which shows an astounding proportion of persons formerly treated mostly as criminals to be congenitally weak-minded would lead to the same conclusions, is another matter. It is at least certain that in all future scientific inquiries the physiological element will be given a consideration it hitherto generally has lacked.

To-day the human weaklings go on unrestrainedly and reproduce their kind—the criminals who are at large, the thousands of semi-insane who annually are released from hospitals, the multitude of feeble-minded who live and move without hindrance. In short, from the diseased in mind and body a considerable proportion of the population is recruited. While these conditions prevail the extirpation, were it possible, of one source of weakness, intemperance, will not be a cure. The battle against poverty, crime and other social ills would have to go on just the same.

## IV.

## INSANITY AND DRINK.

Government reports on the insane have ceased to attempt any distinction between forms of insanity. This was done "upon the unhesitating advice of prominent alienists," because "there is no standard or universally adopted classification of mental disease in this country." As a rule the reports of the different hospitals do not conform in this respect and to have taken cognizance of the forms of mental diseases, regardless of the conflict of the returns of one institution with those of another, "would merely have led to confusing totals devoid of all scientific value."

At no time has any government publication in this country ventured to deal with the causes of insanity. On this subject there is not only conflict between alleged statistics, but dire confusion. If there is no agreement as to the classification of forms of insanity, there is much less concerning causes of mental disorder. It is observable that superintendents of hospitals for the insane seldom come forward with a positive statement about the causes of mental disorder, but are content to give statistics under some such heading as "assigned causes," or "supposed causes." Comparability is, of course, the best test of the value of such assigned causes. But as between hospital reports showing causes of insanity, there is the greatest possible divergence in the estimates, no matter how nearly alike the basic facts may be in regard to numbers, ages, sex, nationality, etc. All of which goes to show that the assignment of causes of insanity, when not pure guess work, is a matter of subjective interpretation. and should be accepted with extreme caution.

Under such circumstances it is, to say the least, hazardous to produce statistics showing that such and such percentage of insanity is due to intemperance. Or one can easily, according to predilection, obtain statements showing that the liquor habit is responsible for a very great deal of insanity, or that it is present only in a small percentage of cases. How greatly the diagnosis varies in regard to the proportion of insanity attributed to alcoholic indulgence, may be seen from the statistics given below. They are culled from reports of State insane asylums or lunacy commissions. For the greater part the statistics cover commitments of insane



during 1903 or 1904 to single institutions and in one or two cases commitments during a series of years.

STATE.	Number of Insane Committed.	Per cent. of Commitments in which intemperance was assigned cause.
Arkansas.....	236	5.5
Colorado.....	384	9.6
Delaware.....	105	18.0
Georgia.....	359	1.6
Kentucky.....	249	8.8
Louisiana.....	342	4.0
Maryland.....	237	12.6
Massachusetts.....	2414	13.5
Michigan.....	9926	8.1
Missouri.....	415	3.6
New Jersey.....	295	8.1
New York.....	6136	12.4
Wisconsin.....	7445	5.2

Upon their face these percentages are not comparable. They disclose personal opinion rather than conclusive facts. In justice to those responsible it should be said that these statistics are not given out as final truth, but under the caption "assigned causes," "supposed causes," etc. It would, therefore, be grossly unfair to impute any scientific value to these figures.

Since qualified alienists appear to arrive at such widely divergent opinions concerning the proportion of insanity attributable to drink, it would be the merest guess work to express an opinion about the over-estimate or under-estimate of the causal relation between the liquor habit and mental derangement in different localities.

Turning to European statistics much the same lack of conformity is observed. According to Dr. Printzing, in his *Handbuch der Medicinischen Statistik*, the following percentages of cases of insanity are attributed to intemperance in the most recent statistics for the following countries:

Prussia .....	13.2
Wurttemberg.....	9.2
France.....	13.7
Austria.....	14.4
Switzerland.....	10.8
Holland.....	7.2

In England and Wales, according to the Commissioners on Lunacy, intemperance is found, taking a yearly average for the past five years, to be responsible for 22.1 per cent. of the admissions to insane hospitals. Dr. Clouston, of the Edinburgh Royal Asylum, arrives at 25.7 per cent. as the proportion of cases who are admitted in part or wholly because of intemperance.

What makes statistics of drink as a cause of insanity of so uncertain a value is the impossibility in many cases of distinguishing between that intemperance which is merely the obvious sign, and the only one, of incipient mental disorder and that intemperance which is a direct cause. It is perfectly easy and natural in the case of a deranged individual known to be markedly intemperate to assume intemperance as the probable cause, especially as in very numerous instances the authorities cannot obtain a clear and detailed history of the individual and of his family. Until recently too little attention has been given to the fact that insane inebriates have become such, not primarily as the result of drink, but from congenital defects. The most instructive observations on this point have been made by Dr. Branthwaite, the Inspector of Inebriates' Homes in England. He has shown, as intimated elsewhere, that about 62 per cent. of the cases committed to reformatories for inebriates are mentally defective. He has found, furthermore, that a large proportion of those who are simply committed as inebriates were really suffering from various forms of insanity. This led him to the conclusion that "the large majority of inmates of this description were either actually insane during their court history or in a state bordering on insanity, and that mental disease was the condition for which they were habitually imprisoned; *mental disease masked by alcoholic indulgence*. Sentenced to reformatories as habitual drunkards, they were found to be, when admitted, actual lunatics or bordering on insanity." The exact relationship between drunkenness and insanity in such cases is, of course, exceedingly difficult to determine. It is precisely the same difficulty of diagnosis that the majority of our asylums for insane have had to contend with, especially as in this country there are practically no institutions, outside hospitals for the insane, to which alcoholic persons showing mental disorder can be sent.

Dr. Branthwaite alludes to the fact that mental disease in some cases may be due to tissue degeneration produced by persistent alcoholism, to repeated alcoholic epileptiform convulsions

and recurrent attacks of delirium tremens, or to a shock to the nervous system from the sudden discontinuance of alcohol. Yet he continues, "notwithstanding this, I am satisfied that the majority of our insane inebriates have become alcoholics because of congenital defect or tendency to insanity, not insane as a result of alcoholism, and that the drunkenness which preceded 'alcoholic insanity' was merely the herald—the one obvious sign—of incipient mental disorder. In relation to the final insanity, drunkenness in such cases is the intensifier, perhaps, and not the cause of the disease."

To state the case briefly, current statistics purporting to show the causal relation between intemperance and insanity are of uncertain value because drunkenness is very frequently a symptom, not a cause of weakness or disorder of the mind. This fact is seldom given due weight. At this point some will reason back and say that where mental weakness exists it was in all probability the result of parental drunkenness, and that there is no reason for minimizing the liquor habit as a contributory cause of insanity.

Unfortunately for this argument, there is no reliable information showing that the children of drunkards are prone to become mentally defective. An inherited characteristic must be the same in kind as that from which it springs. Mr. Burbank gets interesting varieties from his experiment with sweet peas, but never got a poppy from a pea. In a recent paper on the problem of the feeble-minded read before the Manchester Statistical Society, Miss Mary Dendy states, "As a matter of fact the children of drunkards are not more prone to become mentally weak than the children of sane people." In one hundred cases she finds that 56 of the parents of feeble-minded children were definitely sober; in 13 they were, definitely, one or both, drunkards; in 29 there was no definite history either way, but it is probable that of these 29 some were drunkards. Thus a majority of the parents were sober."

It is much more in line with reason and observation to believe that the many mentally weak who turn up in our asylums as insane drunkards spring from stock long tainted with insanity, and that their mental disorder was intensified by drink rather than caused by it. It is almost obvious that it should be so. As Archdall Reid, the English expert, says: "Until very recently in the vast majority of cases the unfortunate lunatic was placed under conditions that insured death or permanent insanity. From the very moment that his mental unsoundness declared himself, he ceased

to have offspring. The natural selection of the sane was therefore very stringent. For some time, however, lunatics have been treated with great humanity and skill. Beyond all classes of the community they are watched over by the State. Men of sound mind, but suffering from bodily ills, may perish in the slums for lack of proper care and nourishment; but the insane are removed to special sanatoria where, without expense to themselves, they receive food and lodging and are placed under the care of trained nurses and medical specialists, over whom in turn the Commissioners in Lunacy exercise a zealous supervision. As a consequence the lunatic frequently recovers, and is restored to his family with a right to have as many children as he pleases."

This statement about English conditions is just as applicable to those of our own country. In the course of a single year more than 20,000 men and women are discharged from the hospitals for the insane in this country, of whom, self-evidently, a great many subsequently become fathers and mothers. What has been said about the insane applies with even greater force to the feeble-minded. Of the actually known feeble-minded in the United States only a small proportion is under temporary or permanent restraint. The rest go on multiplying. Their offspring is peculiarly prone to mental derangements as a consequence of even moderate alcoholic indulgence and later on figure in a greater or less degree in the returns from hospitals as having become insane solely on account of drink.

All that has been said above should not be construed as an effort to minimize the evil effects of intemperance, which are obvious enough. So long, however, as attempt is made to trace all our social ills as a result of the use of intoxicating liquors, it becomes extremely difficult to deal rationally and effectively with social problems like insanity and feeble-mindedness. There can be no greater mistake, for instance, than to attribute a majority of the insane and feeble-minded cases in the country to the liquor habit. People are never cured of a trouble by being treated for one they have not.

There appears to be no escape from the melancholy conclusion that "the rate of increase is greater for the insane in the United States than it is for the general population." (United States Census report on the insane, 1906.) While the hospital returns upon which the official statistics are based do not disclose all the facts,

"they invariably point to an increase in the prevalence of insanity." (Ibid.)

No one has ventured an adequate explanation of this phenomenon, if indeed one can be made. But to accept the view that most insanity is due in some way to intemperance would, in the face of this growth of mental disorders, be equivalent to declaring, that the liquor habit is continually assuming greater proportions; that temperance teaching and preaching has proved futile; that repressive or prohibitive legislation is inoperative; that the per capita production and consumption of intoxicants increases rapidly, etc., etc.

The facts as seen by open-minded students appear to be much more that as a nation we are growing more abstemious, and that the drink habits of the old days are disappearing. Many factors have contributed to this. The temperance advocates have done their share. Industrial and economic conditions have imposed abstinence as a condition of employment. Legislation has brought the liquor traffic under better control; and if it has failed utterly to prohibit, it has at least diminished consumption to some extent, particularly in rural districts. Yet "the rate of increase is greater for the insane in the United States than it is for the general population."

Available statistics of the insane do not permit accurate comparisons between States. The ratio of insane, as disclosed by hospital returns, indicates the extent to which the mentally sick are cared for in institutions rather than their numerical strength in a State. This is made apparent by the most casual study of the figures given in the next table. The most ingenious search would fail to discover any relation between the ratios of insane in the different States and the prevalence of the liquor habit.

Incidentally, however, the fact stands out that insanity has not diminished in States where the liquor habit is supposed to have been driven to the wall. In Maine, for instance, the insane hospital population goes on increasing with the same relative rapidity as elsewhere. In 1903 it had 125.3 insane in hospitals per 100,000 population. This ratio is lower than for many States, but merely shows the extent to which the insane are cared for in special institutions. The Census report says that in 1890 Maine was one of four States in which "the number of insane enumerated outside of hospitals exceeded the number found in these institutions;"

and "in none of these States has the accumulation of insane in hospitals since 1890 been so large that the number still outside of hospitals can be presumed to have been greatly diminished, much less exhausted." In other words, if Maine cared for her insane in hospitals to the same extent as some other States, her ratio of insane would proportionately be the same.

Kansas and North Dakota also yield ratios of insane per 100,000 population which do not reveal the slightest benefit in this respect from the prohibition of liquor. Exhaustive comparisons are superfluous.

In conclusion: The precise extent of the causal relation between insanity and intemperance is still to be discovered. Meanwhile it is as absurd to say that most insanity is due to drink as it would be to say that insanity is never caused by drink.

ADMISSIONS OF INSANE TO PUBLIC AND PRIVATE HOSPITALS DURING  
1904 AND NUMBER PER 100,000 OF POPULATION, FOR STATES  
AND TERRITORIES.

STATE.	General Population.	Number of Insane Admitted.	Number per 100,000 of Population.
Maine.....	706,427	333	47.1
New Hampshire.....	424,150	352	82.9
Vermont.....	347,660	268	77.1
Massachusetts.....	3,008,304	4,001	132.9
Rhode Island.....	458,314	424	92.5
Connecticut.....	966,528	864	89.4
New York.....	7,722,443	6,630	85.8
New Jersey.....	2,040,882	1,290	63.2
Pennsylvania.....	6,676,216	3,359	50.3
Delaware.....	190,556	106	55.6
Maryland.....	1,240,236	816	65.8
District of Columbia.....	296,035	702	237.1
Virginia.....	1,925,208	906	47.1
West Virginia.....	1,029,035	428	41.6
North Carolina.....	1,992,661	609	30.6
South Carolina.....	1,408,100	544	38.6
Georgia.....	2,352,132	969	41.2
Florida.....	577,677	303	52.5
Ohio.....	4,331,414	3,386	78.2
Indiana.....	2,632,582	1,396	53.3
Illinois.....	5,178,163	4,228	81.6
Michigan.....	2,518,659	1,447	57.4
Wisconsin.....	2,203,671	2,094	95.0
Minnesota.....	1,909,459	1,227	64.2
Iowa.....	2,346,361	1,563	66.6
Missouri.....	3,259,845	1,949	59.8
North Dakota.....	365,070	175	47.9
South Dakota.....	420,550	132	31.4
Nebraska.....	1,067,606	663	62.1
Kansas.....	1,485,683	924	62.2
Kentucky.....	2,250,567	951	42.2
Tennessee.....	2,111,310	613	29.0
Alabama.....	1,941,678	681	35.1
Mississippi.....	1,645,035	477	28.9
Louisiana.....	1,475,880	273	18.5
Texas.....	3,340,100	761	22.8
Indian Territory.....	467,982	....	....
Oklahoma.....	512,946	236	46.0
Arkansas.....	1,377,265	89	6.5
Montana.....	279,308	165	59.1
Wyoming.....	103,272	37	35.9
Colorado.....	585,011	503	85.9
New Mexico.....	207,861	26	12.5
Arizona.....	135,361	113	83.5
Utah.....	300,388	115	38.3
Nevada.....	42,335	31	73.2
Idaho.....	188,010	94	49.9
Washington.....	575,749	496	86.1
Oregon.....	447,876	377	84.2
California.....	1,582,396	1,496	94.5
Continental United States.....	80,651,957	49,622	61.5

## MORTALITY AND ALCOHOLISM.

The available statistics of deaths from alcoholism have, on the whole, an uncertain meaning. Says the United States Census Report on Mortality Statistics for 1906, "The death rate from alcoholism in 1906 was 8.6 per 100,000 of population, the same as the rate for the year 1903;" but adds:

"It is not at all likely that there should be very definite returns of death due to this cause, especially those due to the indirect effects of alcohol. Many chronic degenerative diseases, such as cirrhosis of the liver, must be considered in estimating the total effect of alcoholism, and as the certificates of death from secondary effects of alcohol frequently make no reference to alcoholism as a primary cause, it is impossible to make a complete statement in this respect."

The following table exhibits the deaths from alcoholism per 100,000 population for a series of years. The figures are taken from the United States Census report. The "registration area" and "registration cities" referred to comprehend the area and the localities from which official mortality returns are received each year.

NUMBER OF DEATHS FROM ALCOHOLISM PER 100,000 OF POPULATION.

AREA	Annual Average: 1900 to 1904	1901	1902	1903	1904	1905	1906
The registration area.....	6.2	6.0	6.1	6.6	5.8	6.2	6.6
Registration cities.....	7.3	7.2	7.2	7.7	6.8	7.2	7.7
Registration States.....	5.4	5.0	5.2	6.1	5.3	6.0	6.5
Cities in registration States.....	7.0	6.6	6.8	7.9	6.7	7.6	8.1
Rural part of registration States.	3.4	3.1	3.3	4.0	3.4	3.8	4.7
Registration cities in other States	7.6	7.8	7.7	7.6	6.8	6.7	6.8

How alcoholism compares with other causes of death may be gleaned from the next table which likewise is taken from the latest census report.

Whether alcoholism is a more fruitful source of mortality than a few years ago cannot be determined from the statistics cited. The variations from year to year are so slight and may be wholly due to more or less perfect methods of reporting causes.

In European countries there is the same uncertainty. Dr. Printzing characterizes the existing statistics as "very inexact"



and says, "a comparison between different countries is not feasible," as many cases of alcohol poisoning are entered under organic diseases. According to the best authorities, the death rate from chronic alcoholism per 100,000 population, was in Prussia 7.9; in Bavaria 7.4; in Baden 2.4; in Italy 1.7; in England 19.2; in Scotland 10.1. The Swiss mortality statistics are supposed to be particularly trustworthy. According to official returns for Switzerland, alcoholism was found to be a direct or contributory cause during the period 1891-1899 in 10.7 of each 100 deaths among males, and 1.9 in each 100 deaths among females. During the period 1900-1903 10.3 in 100 deaths among males and 1.9 in each 100 deaths among females were ascribed to the same cause.

In Denmark, where the consumption of intoxicants is particularly heavy, Westergaard says that 6.7 per cent. of the deaths among males and 0.8 per cent. among females are due directly or indirectly to drink.

It is well known that heavy drinkers show a particularly large morbidity and mortality rate. Certain diseases may be caused directly by the misuse of intoxicants; and in the case of other diseases, especially those connected with fever, the outcome is likely to be more dangerous, for the confirmed toper than for others. But how frequently such ailments as neuritis, amblyopie, cirrhosis of the liver, stomach catarrh, heart trouble, etc., are due to alcohol or spring from other causes cannot be stated statistically because there is no general agreement in the diagnosis made by different physicians. In this connection Dr. Printzing instances the fact that "cirrhosis of the liver occurs not infrequently without being preceded by over-indulgence in alcohol."

While no finality can be claimed for the statistics showing the death rate from alcoholism in the registration era of the United States, they afford some light on conditions in Maine. The next table shows the death rate per 100,000 of population in cities and rural districts of each registration State, from alcoholism, in 1906. The query arises at once, why has prohibition Maine a death rate from alcoholism exceeding that for Indiana, Maryland, Massachusetts, Michigan, New Hampshire (in cities), Pennsylvania, Rhode Island (in cities), and South Dakota? This excess is visible not only in the death rate from alcoholism in cities, but in that for rural districts as well. Five of the fifteen registration States show a lower death rate from alcoholism in rural districts than Maine and

## NUMBER OF DEATHS PER 100,000 OF POPULATION—1906.

CAUSE OF DEATH.	Total.	Cities.	Rural.
Typhoid fever.....	22.2	21.6	23.0
Malarial fever.....	2.6	2.2	3.0
Smallpox.....	0.1	0.1	0.1
Measles.....	11.8	15.3	6.9
Scarlet fever.....	7.4	9.7	4.1
Whooping cough.....	14.6	15.9	12.7
Diphtheria and croup.....	26.0	33.1	16.0
Influenza.....	10.1	7.4	14.0
Dysentery.....	8.4	6.4	11.3
Tuberculosis of lungs.....	153.8	177.3	120.5
Venereal diseases.....	4.1	5.5	2.2
Cancer.....	74.4	77.7	69.8
Rheumatism.....	8.0	8.0	8.1
Diabetes.....	14.9	15.4	14.2
Alcoholism.....	6.4	8.2	4.0
Diseases of nervous system.....	179.1	175.2	184.6
Meningitis.....	27.6	33.4	19.2
Apoplexy and paralysis.....	97.1	88.4	109.6
Diseases of circulatory system.....	187.3	187.8	186.6
Heart disease.....	143.3	138.6	149.9
Diseases of respiratory system.....	205.0	245.8	146.9
Bronchitis.....	31.2	36.1	24.2
Pneumonia (lobar or unqualified)....	111.5	129.4	86.2
Diseases of digestive system.....	205.8	231.3	169.6
Diarrhoea and enteritis.....	120.7	142.2	90.1
Cirrhosis of liver.....	14.7	17.7	10.4
Peritonitis.....	7.7	7.0	8.7
Appendicitis.....	10.5	13.0	6.9
Diseases of genito-urinary system.....	120.9	139.5	94.4
Bright's disease and nephritis.....	103.7	121.0	79.0
Violence.....	106.9	115.6	94.6
All Causes.....	1,604.0	1,741.8	1,408.3

## DEATH RATE PER 100,000 OF POPULATION IN CITIES AND RURAL DISTRICTS OF EACH REGISTRATION STATE, FROM ALCOHOLISM—1906

	Cities.	Rural Districts.
California.....	13.5	9.4
Colorado.....	11.1	12.3
Connecticut.....	9.4	9.9
Indiana.....	5.5	2.3
Maine.....	8.4	4.3
Maryland.....	5.8	3.3
Massachusetts.....	5.6	3.4
Michigan.....	5.8	3.2
New Hampshire.....	5.1	6.6
New Jersey.....	12.0	3.5
New York.....	8.8	4.6
Pennsylvania.....	7.1	4.7
Rhode Island.....	8.0	12.5
South Dakota.....	7.9	4.9
Vermont.....	13.2	5.0

among them Massachusetts, Maryland, Michigan, and New Jersey, while New York and Pennsylvania yield only a slightly higher rate. There is a variation between the rates for various localities which point to the uncertainty of the diagnosis. In Maine, physicians may possibly be inclined to give greater weight to alcoholism as a cause of death. Even so the rate in this State would have to be reduced several points, both for cities and rural districts, to bring it down to that of some of the most populous license States. Moreover, the death rate from alcoholism in Maine shows if anything an upward tendency. The ultimate significance of this fact cannot be determined. But at all events, the death rate from alcoholism in Maine must be accepted as one of the many evidences of the total ineffectiveness of State-wide prohibition to check one of the saddest results of intemperance.

#### MORTALITY AND OCCUPATION.

The various studies of occupational mortality made in this country do not attempt to establish the death rate among persons engaged in the sale or manufacture of intoxicants. Indeed, no official classification of mortality by occupation has been made for the registration area.

In Europe this question has attracted greater attention, but the results of inquiries have been exceedingly meagre and not comparable as between different countries. The alleged statistics compiled simply to prove a thesis may be left out of consideration. Those bearing the stamp of credibility, notably those from Switzerland, appear to establish a higher death at the various age periods among persons engaged as workmen in breweries, or as bar keepers, waiters in saloons, etc., than among males of all occupations. Other evidence goes to confirm this conclusion; and it is perfectly natural. In the occupations specified the temptation to intemperance is particularly strong and nature revenges itself accordingly. The intemperate succumb first in the battle with disease and death. What constitutes intemperate indulgence is another question on which physiologists do not agree. How the sick rate and death rate in the occupations mentioned would compare with those for persons engaged in some of the several dangerous trades that have nothing to do with the sale or manufacture of intoxicants, is not known. It has been ascertained, however, that in several of these dangerous trades the death rate is much higher than the general death rate.

Before accurate and socially significant facts can be established concerning the death rate from alcoholism, it would seem necessary to study the histories of the individuals concerned for the purpose of establishing the proportion of those who were mentally defective.

#### PROSPERITY AND PROHIBITION.

In order to bolster up arguments for State-wide prohibition, a liberal use is being made at the present time of what, for want of a better name, may be termed prosperity statistics. It is pretended, for instance, that the "business results" of the policy of prohibition can be accurately measured with the "business results" of the policy of license in other States. To this end the statistics of savings banks, building and loan associations are being drawn upon and facts are marshalled about debt, wealth, taxation and the like.

Aside from the fundamental misconception that the figures available yield competent evidence and permit accurate comparisons, one is at once confronted by the ugly fact that prohibition does not prohibit and never has prohibited. On preceding pages it has been abundantly shown that States under prohibition suffer to the same degree as license States from the social ills its advocates attribute chiefly to the liquor traffic; in other words, that prohibition States, in common with those under license, must bear the same burdens of intemperance so far as it results in poverty, crime, insanity, feeble-mindedness, mortality. This being so, it must be conceded either that these burdens are unrelated to intemperance, or, that if comparatively greater prosperity exists in Maine than elsewhere, it must spring from other causes than the suppression of intemperance, since the latter has not taken place. To state the proposition differently, if prosperity statistics make Maine appear in a relatively better economic condition than license States, it must be in spite of the prohibition law, not because of it.

To reason out theoretically an economic basis of prohibition is one thing, but to draw conclusions about material benefits from any present day prohibition law is to work from a non-existent basis, since prohibition is inoperative. Moreover, the usual prosperity statistics ignore the commonest economic principles and refuse consideration of the numerous economic factors that are not capable of being expressed in numbers and percentages because the raw material from which they should be made are not at hand.

It happens frequently that facts about savings banks furnish the chief ammunition of the prosperity statisticians. The savings bank is an important institution in Maine. But many States are practically without them, and the savings of the people are deposited, if at all, with national banks or trust companies, or in some States largely with building and loan associations. Even if Maine could show a greater proportion of savings bank depositors and larger per capita deposits than other States, the fact would of itself mean nothing. Elsewhere the hoardings might be safeguarded in other institutions or remain to a large extent hidden from scrutiny. It is well known that several of our foreign peoples do not trust their savings to local institutions, but keep them at home or send their money abroad for investment. Comparisons that ignore these factors are more than open to question on the score of veracity.

As it happens, savings bank statistics for Maine when contrasted with comparable States do not help to emphasize the economic benefit from prohibition. This is clearly brought out in the next table. It shows conclusively that Maine not only has a lower ratio of savings bank depositors than New Hampshire, Vermont, Massachusetts, and New York, but has the smallest per capita deposit of any of these States. Of course it must be conceded that the number of recorded depositors is not an infallible index of their proportion to the population, for the same depositor may resort to several banks and would be counted more than once. To say that savings bank deposits are the ultimate test of the degree of prosperity in Maine would be as foolish as to present the impossible claim that these same deposits show Maine to be more prosperous than her neighboring States.

STATISTICS OF SAVINGS BANK DEPOSITS IN VARIOUS STATES. REPORT  
OF THE COMPTROLLER OF UNITED STATES TREASURY FOR 1907.

STATE.	Population.	Number of Depositors.	Amount of Deposits.	Per Capita.	Proportion of Depositors to Population.
Maine.....	694,466	221,883	\$84,394,909	\$121.52	1 to 3.1
N. Hampshire	411,588	183,240	81,124,710	197.10	1 to 2.2
Vermont.....	343,641	154,325	57,444,294	167.16	1 to 2.2
Massach'tts..	2,805,346	1,908,378	694,081,142	247.41	1 to 1.4
Rhode Island	428,556	122,319	66,391,174	154.92	1 to 3.5
Connecticut .	908,420	517,301	246,264,985	271.09	1 to 1.7
New York...	7,268,894	2,740,808	1,394,296,034	191.82	1 to 2.6

In further proof of the absurdity of using savings banks deposits as final evidence, some facts relative to saving bank deposits in Massachusetts may be adduced. The smallest per capita deposits for the year 1907 are shown for the no-license cities Somerville, Everett and Melrose, and they are smaller than in any city under license in Massachusetts. Instead of illustrating lack of prosperity under local prohibition, the fact is that these cities, being contiguous to Boston, use her savings banks as depositories. Or, take another example: Springfield, a license city, had almost twice the per capita deposit of Cambridge which for many years has been under no-license. This fact by itself explains nothing. Least of all does it prove prosperity to be less under no-license.

Statistics of membership in building and loan associations and of their assets may mean much or little according to the state of development these institutions have reached. Pennsylvania, for instance, had, according to the latest returns, 1,321 building and loan associations with assets of \$137,640,602, while Maine had only 35 with assets of \$3,434,726. The disparity in resources of this kind as an isolated fact means nothing. Connecticut, for example, has not as many building and loan associations as Maine and their assets are smaller. To base statements about the relative prosperity of the three States on such figures would verge on the ridiculous.

#### STATISTICS OF BUILDING AND LOAN ASSOCIATIONS IN VARIOUS STATES.

STATE.	No. of Asso.	Membership.	Assets.
Pennsylvania.....	1,321	346,375	\$137,640,602
Ohio.....	654	310,835	121,094,217
New Jersey.....	389	131,218	61,988,192
Massachusetts.....	133	104,482	42,557,575
New York.....	240	105,434	35,254,790
Maine.....	35	8,966	3,434,726
New Hampshire.....	16	5,475	1,836,334
Connecticut.....	13	3,331	1,605,712

The total banking resources of a State are a reasonable index of its wealth, but not invariably. Take New Jersey, as an example. In the Eastern part, New York is the banking centre for a large proportion of its wealthiest population, while Philadelphia holds the same relation to the Southern part of the State. Therefore, a comparison of New Jersey with Pennsylvania and New York,

which ignores this peculiar condition, would be thoroughly misleading.

As a matter of fact, if one could concede in the first place, that prohibition is effective, and, secondly, that per capita banking resources are an accurate gauge of prosperity, then the official figures are decidedly unfavorable to Maine, Kansas and North Dakota. The subjoined table bears this out. Of course, comparisons are more or less out of order unless made with contiguous States; there must be some similarity in geographical locations, character of population, industrial pursuits, etc., to make them valid.

It will be seen that Maine shows the lowest per capita banking resources of any State in the New England group. Kansas shows the lowest per capita banking resources of any of the middle West and Western States as classified, except Indiana, New Mexico and Oklahoma. North Dakota makes a better showing than Kansas, but inferior to that of all the surrounding license States.

COMPARATIVE STATEMENT OF BANKING RESOURCES AS PUBLISHED  
IN THE REPORT OF THE COMPTROLLER OF THE CURRENCY,  
AVERAGE RESOURCES PER CAPITA, JUNE 1, 1907.

ALL BANKS

STATE.	Resources.	Average per Capita.
Maine.....	182,523,663	254.57
New Hampshire.....	124,308,511	234.46
Vermont.....	92,809,820	264.41
Massachusetts.....	1,456,344,818	470.54
Rhode Island.....	243,836,859	436.70
Connecticut.....	406,568,508	393.96
Total New England States.....	2,506,392,179	408.67
New York.....	5,436,879,448	648.87
New Jersey.....	501,402,167	223.34
Pennsylvania.....	2,204,708,023	311.84
Delaware.....	37,552,232	191.60
Maryland.....	287,375,669	220.21
District of Columbia.....	93,979,991	278.05
Total Eastern States.....	8,561,897,530	438.33

COMPARATIVE STATEMENT OF BANKING RESOURCES AS PUBLISHED  
IN THE REPORT OF THE COMPTROLLER OF THE CURRENCY,  
AVERAGE RESOURCES PER CAPITA, JUNE 1, 1907.—*Cont'd.*

## ALL BANKS.

STATE.	Resources.	Average per Capita.
Virginia.....	171,000,012	85.45
West Virginia.....	125,801,320	114.15
North Carolina.....	87,522,546	41.80
South Carolina.....	74,517,966	50.32
Georgia.....	150,911,365	60.29
Florida.....	53,446,239	83.25
Alabama.....	94,707,423	45.86
Mississippi.....	79,475,793	45.37
Louisiana.....	168,325,891	106.20
Texas.....	319,055,416	87.27
Arkansas.....	42,862,981	29.87
Kentucky.....	205,484,537	86.89
Tennessee.....	152,060,666	68.84
Total Southern States.....	1,725,172,155	69.32
Ohio.....	940,824,933	208.15
Indiana.....	345,348,616	124.50
Illinois.....	1,242,266,807	223.11
Michigan.....	391,729,586	149.80
Wisconsin.....	292,910,943	127.69
Minnesota.....	306,310,683	148.05
Iowa.....	420,018,978	190.05
Missouri.....	725,718,351	213.45
Total Middle Western States.....	4,665,128,897	183.31
North Dakota.....	59,840,530	128.69
South Dakota.....	70,498,433	150.64
Nebraska.....	206,356,926	192.14
Kansas.....	203,346,534	126.30
Montana.....	62,198,975	197.46
Wyoming.....	20,386,762	188.77
Colorado.....	157,649,181	251.43
New Mexico.....	19,991,616	90.05
Oklahoma.....	55,486,754	85.36
Indian Territory.....	39,581,995	65.97
Total Western States.....	895,337,706	145.84
Washington.....	129,438,847	205.13
Oregon.....	90,078,911	186.11
California.....	889,652,923	532.40
Idaho.....	35,704,741	162.29
Nevada.....	15,491,364	368.84
Arizona.....	22,401,981	149.34
Utah.....	62,864,826	193.43
Alaska.....	3,487,319	28.22
Total Pacific States.....	1,249,120,912	345.82



Many curious statistics have been cited in the controversy over economic effects of prohibition. Sometimes the per capita expenses of police administration are brought into use. But that is contingent upon a variety of local conditions, such as public sentiment, the composition of population, the character of municipal administration, which cannot be entered statistically.

The local tax rate is no better criterion. Its fluctuations in a city or State may depend upon a number of conditions wholly unrelated to the liquor traffic. If the administration is extravagant, taxes will be high, and vice versa. A community that demands the highest service in the way of education, the care of all public wards, well kept and well lighted streets, adequate sewers, etc., etc., must pay accordingly.

The valuation placed upon property is also an unsafe gauge; it depends more or less upon existing systems of taxation as well as upon natural resources, and so on through the whole range of tangible evidences of prosperity; whether economic conditions are considered singly or in combination it would be impossible in the present state of knowledge to reason from them how license or prohibition affects prosperity.

There is some force in the statement that the loss in direct taxes from the liquor traffic makes itself felt in a no-license community. In times and places this loss may affect the tax rate, but hardly in a degree that would permanently influence the general prosperity of a community. If this loss were offset by smaller burdens in caring for victims of intemperance the story would be different. But this has already been shown not to be the case.

There appear to be some exceptions. In Georgia, the loss of the large State revenue from liquor licenses has become a serious matter and must be met by the imposition of new taxes. In Birmingham, Alabama, the annual license ordinance for 1908 reveals some astounding burdens placed upon business in order to meet the loss from liquor license. Banking houses pay a license fee from \$200 to \$450; building and loan associations from \$100 to \$500; each cotton press \$300; each fruit store \$125; each express company \$1,000; grocers from \$12.50 to \$200; hotels from \$65 to \$275; provision dealers from \$75 to \$250; and so on through a list of 416 different kinds of businesses or occupations.

In general the situation is this: The loss from liquor licenses must be met through a redistribution of taxation without any

appreciable diminution of the cost of caring for those classes of the population supposed to typify the results of intemperance. The extent to which such redistribution will be felt must vary according to local conditions. If a State like New York should be deprived of its income from liquor licenses, millions would have to be added from other sources to meet the State tax. Where the State is the lesser participant in license money the municipalities would be the greater sufferer from loss of income. There can be no doubt, however, that the financial resources of very many cities would be seriously crippled by suddenly cutting off the revenue from liquor licenses. This is clearly brought out in the next table which shows for a number of cities the total per capita revenue and the percentage of this derived from liquor licenses. The figures relate for the most part to the year 1907. The divergence in the percentage of per capita revenue derived from liquor is due to a complexity of local conditions of which no analysis can be attempted in this place.

TOTAL PER CAPITA REVENUE IN CITIES AND PERCENTAGE OF SAME FROM LIQUOR LICENSES.

CITY.	Population.	Total Revenue Per Capita.	Per Cent. from Liquor Licenses.
New York, N. Y.....	4,225,685	\$28.34	5.29
Chicago, Ill.....	2,107,620	14.37	23.79
Philadelphia, Pa.....	1,466,408	21.19	6.1
St. Louis, Mo.....	661,661	19.14	9.2
Boston, Mass.....	609,176	37.44	4.7
Baltimore, Md.....	561,121	20.64	3.8
Cleveland, Ohio.....	483,540	13.37	19.7
San Francisco, Cal.....	400,000	22.54	13.3
Buffalo, N. Y.....	386,724	17.01	8.5
Pittsburg, Pa.....	386,000	27.82	5.1
Detroit, Mich.....	381,507	18.15	6.7
Cincinnati, Ohio.....	347,123	18.65	11.2
New Orleans, La.....	318,653	16.74	13.4
Milwaukee, Wis.....	317,903	14.51	10.1
Washington, D. C.....	312,549	12.47	12.0
Los Angeles, Cal.....	300,000	15.19	5.2
Newark, N. J.....	295,979	16.03	12.6
Minneapolis, Minn.....	285,676	17.52	8.6
Jersey City, N. J.....	243,205	14.41	8.5
Louisville, Ky.....	229,598	16.00	3.9
Indianapolis, Ind.....	226,110	7.91	10.8
St. Paul, Minn.....	210,607	17.20	10.7
Providence, R. I.....	207,851	20.85	4.5
Rochester, N. Y.....	189,384	24.83	6.4
Kansas City, Mo.....	185,480	18.60	9.0

**TOTAL PER CAPITA REVENUE IN CITIES AND PERCENTAGE OF SAME  
FROM LIQUOR LICENSES.—Continued.**

CITY.	Population.	Total Revenue Per Capita.	Per Cent. from Liquor Licenses.
Toledo, Ohio.....	164,673	\$13.86	6.4
Denver, Colo.....	153,523	15.17	13.1
Columbus, Ohio.....	148,723	13.26	12.3
Allegheny, Pa.....	147,632	12.90	9.5
Worcester, Mass.....	132,021	19.26	8.5
Memphis, Tenn.....	128,801	17.19	0.9
Omaha, Neb.....	127,769	9.94	20.2
New Haven, Conn.....	123,427	13.95	9.8
Scranton, Pa.....	121,273	9.75	18.8
Syracuse, N. Y.....	120,631	15.11	7.8
St. Joseph, Mo.....	120,529	6.97	10.3
Paterson, N. J.....	114,073	21.17	6.7
Portland, Oregon.....	115,627	17.52	16.2
Seattle, Wash.....	108,752	32.90	11.0
Atlanta, La.....	107,266	20.88	6.0
Fall River, Mass.....	106,122	21.96	6.4
Dayton, Ohio.....	103,248	11.81	13.3
Grand Rapids, Mich.....	101,832	13.71	3.7
Cambridge, Mass.....	99,654	26.63	.....
Albany, N. Y.....	99,268	17.14	7.9
Hartford, Conn.....	98,484	16.94	4.1
Lowell, Mass.....	95,457	17.32	10.7
Reading, Pa.....	93,171	8.10	8.8
Trenton, N. J.....	88,530	11.37	11.0
Kansas City, Kans.....	88,210	9.57	.....
Richmond, Va.....	87,612	26.43	2.9
Bridgeport, Conn.....	86,487	12.39	12.8
Wilmington, Del.....	86,420	8.84	.....
Camden, N. J.....	86,335	12.14	12.6
Nashville, Tenn.....	85,179	15.92	13.3
Lynn, Mass.....	80,454	28.69	5.4
New Bedford, Mass.....	79,130	22.65	5.8
Des Moines, Ia.....	78,324	15.29	7.9
Springfield, Mass.....	78,132	24.21	4.8
Troy, N. Y.....	76,755	16.50	8.3
Oakland, Cal.....	74,954	13.02	13.1
Lawrence, Mass.....	73,046	13.24	13.7
Somerville, Mass.....	72,324	20.37	.....
Savannah, Ga.....	69,881	12.88	6.2
Duluth, Minn.....	69,732	15.96	16.4
Norfolk, Va.....	68,275	19.37	8.4
Hoboken, N. J.....	67,910	14.80	11.0
Peoria, Ill.....	67,704	7.67	25.5
Yonkers, N. Y.....	66,800	20.61	4.7
Utica, N. Y.....	66,551	14.06	11.0
Manchester, N. H.....	65,989	14.00	6.0
Schenectady, N. Y.....	65,625	13.36	11.2
Evansville, Ind.....	64,782	12.15	10.1
San Antonio, Texas.....	64,276	13.12	2.0
Elizabeth, N. J.....	63,861	11.02	10.1
Waterbury, Conn.....	63,697	16.16	8.1
Salt Lake City, Utah.....	63,490	21.30	10.3

**TOTAL PER CAPITA REVENUE IN CITIES AND PERCENTAGE OF SAME  
FROM LIQUOR LICENSES.—Continued.**

CITY.	Population.	Total Revenue Per Capita.	Per Cent. from Liquor Licenses
Wilkesbarre, Pa.....	61,521	\$5.97	14.9
Erie, Pa.....	61,203	9.27	9.9
Houston, Texas.....	59,964	20.60	3.1
Tacoma, Wash.....	58,822	23.71	5.8
Harrisburg, Pa.....	56,663	13.20	Not stated.
Charleston, S. C.....	56,402	12.46	.....
Portland, Me.....	56,004	25.03	.....
Dallas, Texas.....	54,818	18.13	1.8
Youngstown, Ohio.....	53,904	13.71	8.6
Terre Haute, Ind.....	53,707	10.69	10.9
Akron, Ohio.....	52,073	11.21	12.2
Fort Wayne, Ind.....	51,919	9.08	5.7
Holyoke, Mass.....	51,622	27.21	5.8
Brockton, Mass.....	50,866	23.11	.....
Saginaw, Mich.....	49,808	14.66	5.7
Lincoln, Neb.....	49,590	8.66	14.3
Spokane, Wash.....	49,699	28.14	10.9
Birmingham, Ala.....	47,094	14.97	16.0
Covington, Ky.....	46,995	9.24	8.0
Bayonne, N. J.....	46,078	14.88	7.3
Butte, Mont.....	45,491	10.64	10.5
Pawtucket, R. I.....	45,041	38.54	5.5
Binghamton, N. Y.....	44,474	23.08	3.2
Dubuque, Ia.....	44,199	9.16	8.5
Augusta, Ga.....	43,739	13.73	6.8
Allentown, Pa.....	42,609	8.83	7.8
East St. Louis, Ill.....	42,531	12.94	30.8
Davenport, Ia.....	41,615	11.01	16.0
Atlantic City, N. J.....	41,495	24.26	11.1
Little Rock, Ark.....	40,780	5.31	27.6
Malden, Mass.....	39,787	18.09	.....
Quincy, Ill.....	39,584	7.99	22.1
Superior, Wis.....	38,785	9.50	23.0
Chester, Pa.....	38,671	5.18	9.0
S. Omaha, Neb.....	38,559	7.82	26.4
New Castle, Pa.....	38,265	5.76	3.1
Newton, Mass.....	38,123	43.66	.....
Jacksonville, Fla.....	38,051	21.87	6.9
Knoxville, Tenn.....	36,620	10.41	6.5
Rockford, Ill.....	35,881	8.91	16.9
Racine, Wis.....	35,456	10.14	19.4
Chattanooga, Tenn.....	34,809	13.36	14.3
New Britain, Conn.....	33,850	14.25	4.8
Fitchburg, Mass.....	33,617	17.39	5.4
Joliet, Ill.....	32,657	8.83	47.1
Pueblo, Colo.....	32,177	21.10	12.4
Mason, Ga.....	32,164	11.14	13.2
Oshkosh, Wis.....	31,493	15.66	5.5
Wichita, Kans.....	31,300	6.12	.....
Everett, Mass.....	31,021	19.68	.....
Colorado Springs, Colo.....	30,491	12.41	4.1
Cedar Rapids, Ia.....	30,000	11.33	13.3

## CHAPTER V.

### FACTS ABOUT MODERN BREWING.

**I**T is fair to assume that the great majority of modern people are very much like the ancients in lack of knowledge concerning the general or technical conditions surrounding the production of beers and ales, and yet, this form of alcoholic beverage is one of the very oldest in history, and can be traced backward to the most remote antiquity. The Egyptians, Angles, Goths, Huns, Saxons, Danes and Germans, all drank varieties of malt liquor, and must have known something about fermentation, but until the commencement of our own nineteenth century, the art of brewing continued to be entirely empirical. For hundreds of years beer has counted historians, poets, songsters, lawyers and statesmen among its votaries; only the scientist appears to have deemed it unworthy of serious investigation. At the close of the eighteenth century, the malting and brewing processes, still shrouded in mystery, were practiced by such closely secret methods that there existed what were known as "brewing families," the heads of which handed down their secret formulæ from father to son, generation after generation. There was no intelligent communication between fellow craftsmen; all attempts at improvements or innovations, either in materials or processes, were regarded with jealous fear; there was consequently no progress, and, necessarily, no uniformity, and all practical brewers worked by "rule-of-thumb;" they knew not how to reason why, and so were satisfied to keep within the narrow confines of a track beaten out by the centuries. Of the old product itself, we have no trustworthy analyses, but we conclude that it was of great alcoholic strength, because in the light of our present knowledge, it is evident that a high percentage of alcohol was essential to its keeping qualities. We have plenty of evidence that it was highly intoxicating, and must believe that it was well adapted on this account to the needs

of a rougher civilization; just as we know that it could not survive in our own age of nervousness, excitability, and overwork. The wage-earners, who constitute the main body of present day beer-drinkers, try to obey the laws which give the victories in life's battles to the fastest, strongest, and brightest, and they call for beers which are practically liquid foods, combining nourishment and stimulation, and possessing various high qualities of taste, aroma, and stability, undreamed of by ancient epicures.

It is from the time when scientific schools and universities in all parts of the world began to be attracted to the study of plant life and of fermentation (say, a hundred years ago) that the manufacture of malt liquors has gradually evolved itself out of chaos by using the discoveries of scientists and disinterested investigators. An enormous amount of research and laboratory work, resulting in a great accumulation of technical data on brewing materials, yeasts, and other micro-organisms, has built up a theory of brewing which has finally been reduced to practice.

The brewer of to-day, therefore, is no longer a dunce, or empiricist, like his ancestor, but an educated observer of scientific laws, who has an adequate knowledge of chemistry and biology, and who follows out well established rules in his every-day work, in order to conform to the requirements of modern taste and modern economy. Because of his enlightened methods, but mainly because he is a chemist, there has been a notion among the thoughtless or uninformed that the manufacture of a food product by a chemist, in accordance with chemical laws, naturally involves the indiscriminate use of chemicals; but this is one of those false hypotheses, the absurdity of which can readily be demonstrated to the sincere and earnest inquirer by a mere glance at a familiar illustration. The water supply of a brewery is well known and admitted to be one of the most important factors in the production of good beer, but how could a brewer, if unequipped with the necessary chemical knowledge, determine whether the water were pure or unfit; how could he decide whether it was suitable for the purposes of malting or brewing, or boiler feed; how could he ascertain whether it contained any organic or inorganic constituents which might make it deleterious to his processes or his product? We all know that he could not do it by taste or smell, because modern chemistry has amply proved that many waters which are perfectly agreeable to the taste, perfectly colorless, and perfectly

clear and limpid, are frequently the abundant sources of disease, as well as of trouble and failure in the brewery. The brewing industry is no exception to the great rule; why should not chemistry play the leading part in its development, as it has in that of every other great art known to the world? Through chemistry, and through it alone, the modern brewer has succeeded in increasing the production, lessening the cost, and improving the quality of our beers, and what greater justification of its work or beneficent influence could be looked for in the present stage of our common knowledge?

The modern brewing of beer, when reduced to its simplest expression, may be described as the art of making an alcoholic drink by the fermentation of prepared cereal grains, but it must needs be divided into two main operations, the first of which is strictly chemical, and the second purely biological. By the term chemical it is meant that certain radical and fundamental changes are brought about in barley by causing it to undergo germination, whereby it is transformed into what is commercially known as malt. When malt is ground and mixed with water at proper temperatures, further radical chemical changes take place, causing the greater portion of its constituents to go into solution, which after being drained off from the insoluble residue, is boiled with hops, and after sufficient concentration, is cooled off in sterilized air. By the term biological, it is meant that the boiled and cooled malt solution is mixed with pure culture yeasts (*saccharomyces cerevisiæ*) which cause it to enter into fermentation and transform it into beer, which is stored in aseptitized vessels in properly cooled cellars, until sufficiently mature for consumption. There is nothing haphazard in any of these operations; everything is done in the full light of scientific knowledge and ascertained fact. The modern brewer, when he commences to make a brewing, can foretell with certainty what kind of malt liquor he is going to produce. He is an expert in the analysis and valuation of his raw materials; he knows to a nicety how to change and modify his brewing process to meet any requirements; he is a past master in sanitation and cleanliness, and is an adept in the preservation and care of his ferments.

The malt liquors brewed in the United States are divided into two classes (dependent upon the kind of fermentation) and are called respectively "top" and "bottom." "Top" fermen-

tation produces ale, and is carried on at temperatures ranging from 55 F. to 75 F., the yeast being collected from the surface, and the main fermentation lasting about seven days. "Bottom" fermentation (which lasts from ten to twelve days) produces lager beer, and is carried on at a temperature of from 40 to 52 F., the yeast subsiding to the bottom. In both of these fermentations there are generally found a great many organisms quite different from the yeasts in nature and appearance, and classified under the general term "bacteria." It is to the action of these foreign germs that chemists and biologists have traced practically all the various troubles in the brewing process, and it has become quite common in all important breweries throughout the country to employ what is known as "pure yeast culture," in order to eliminate them. Their origin being primarily the earth, and the form in which they are carried being that of dust in the air, the utmost care is devoted to cleanliness, the air admitted to the fermenting rooms is filtered and sterilized, and very cold temperatures are preserved in all storage cellars by means of modern ice machines.

In such a vast and important industry as that of modern brewing it is only natural that many attempts should have been made to define and classify malt liquors, in order to bring them under rational scientific control by adherence to certain standards of purity and quality, and it has resulted from official investigation, and is a fact of which the brewers may be justly proud, that there is no universally consumed food product in this country which has been found so generally free from adulteration, or so generally wholesome in character as beer. The representatives of the brewing industry spared no pains to foster the passage of the Federal Pure Food Bill, which became a law in June, 1906, nor have they hesitated to comply with its provisions. The chief obstacles in the way of adopting any of the "standards" hitherto proposed appear to lie: (1) In the inconsistency with modern ideas of liberty and progress, of aiming at the establishment of any other than *standards of purity*; (2) In the expediency and injustice of attempting to do more than prohibit the use of harmful or unhealthful brewing materials; (3) In the difficulty of making laws that cannot be carried out by the means prescribed for enforcing them. What these obstacles really are, will be better understood by realizing (a), That there are at the present time no practical and certain methods of analysis known to chemists by



which they can determine the nature of the raw materials from which a finished malt liquor of good quality has been brewed; and (b), that no practical way is recognized by any branch of science by which the age of a finished malt liquor can be estimated, or by which the length of time for which it was stored in the brewery, before being placed on the market, can be ascertained. The only legislation for controlling the manufacture of malt liquors that can be effective, must be based either on arbitrary enactments, or on common sense. As examples of consistency and non-discrimination, we have the Empire of Germany, and the Dominion of Canada, where it is illegal to brew malt liquors from any other substances than malt, yeast, hops and water. In Great Britain, as in the United States, brewers are allowed to work under what is known as "the free mash tub system" which leaves them absolute choice of their brewing materials, so long as they use nothing harmful or injurious. In the Republic of France (which is rapidly becoming one of the great beer drinking countries) a law signed by the President in July, 1908, regulating the sale and manufacture of beers, defines malt liquor as "the product of the alcoholic fermentation of a wort made from barley, malt and hops, with or without the addition (to the maximum extent of equal parts) of other malted or unmalted cereals or starchy bodies, or invert sugar, or glucose. It may be colored by the use of caramel, or of extracts made from torrefied cereals. The use of all antiseptics save sulphurous anhydride (sulphites) is prohibited. The maximum amount of sulphurous anhydride (free or combined) that may be contained in a litre of beer is 50 milligrammes." It will not be doubted that the framers of these laws were guided equally by a desire to safeguard the interests of those engaged in the brewing industry, and to meet the requirements and protect the rights of those who drink the beer. They have made the necessary allowance for working out those best of all regulations and safeguards of the public, trade rivalry and competition.

In order to give some idea of the chemical composition of average American beer wort, and of average American beers and ales, as compared with the products of other countries, the following tables have been compiled as fairly representative:

TABLE SHOWING THE WEIGHT PER BARREL OF WORT AT  
DIFFERENT DENSITIES.

SP. GRAV.	BALLING.	Weight of Barrel of Wort, 31 Gallons.	SP. GRAV.	BALLING.	Weight of Barrel of Wort, 31 Gallons.
1.0322	8.0	266.8 lb.	1.0471	11.6	270.7
26	.1	.9	76	.7	.8
30	.2	267.0	80	.8	.9
34	.3	.1	84	.9	271.0
38	.4	.2	88	12.0	.1
42	.5	.3	92	.1	.2
47	.6	.5	96	.2	.3
51	.7	.6	1.0500	.3	.4
55	.8	.7	05	.4	.5
59	.9	.8	09	.5	.7
63	9.0	.9	13	.6	.8
67	.1	268.0	17	.7	.9
71	.2	.1	22	.8	272.0
75	.3	.2	26	.9	.1
80	.4	.3	30	13.0	.2
84	.5	.4	34	.1	.3
88	.6	.5	38	.2	.4
92	.7	.6	42	.3	.5
96	.8	.7	47	.4	.6
1.0400	.9	.8	51	.5	.7
04	10.0	.9	55	.6	.8
08	.1	269.0	60	.7	273.0
12	.2	.1	64	.8	.1
17	.3	.3	68	.9	.2
21	.4	.4	72	14.0	.3
25	.5	.5	76	.1	.4
29	.6	.6	80	.2	.5
33	.7	.7	84	.3	.6
38	.8	.8	89	.4	.7
42	.9	.9	93	.5	.8
46	11.0	270.0	97	.6	.9
50	.1	.1	1.0601	.7	274.0
54	.2	.2	06	.8	.2
59	.3	.4	10	.9	.3
63	.4	.5	14	15.0	.4
67	.5	.6			

## APPROXIMATE ANALYSIS AND HEATING VALUE OF AMERICAN COALS.

NAME.	Moisture.	Vol. Matter.	Fixed Carbon.	Ash.	Sulphur.	Heating Value B. T. U.
ANTHRACITE.....	3.4	4.4	83.3	8.2	0.7	13610
SEMI-ANTHRACITE.....	1.3	8.1	83.3	6.2	1.6	13920
SEMI-BITUMINOUS:						
Clearfield, Pa.....	0.8	22.5	71.8	4.0	0.9	14950
Pocahontas, Va.....	1.0	21.0	74.4	3.0	0.6	15070
New River, W. Va.	0.8	17.9	77.6	3.4	0.3	15220
BITUMINOUS:						
Connellsville.....	1.3	30.1	59.6	8.2	0.8	14050
Pittsburg.....	1.4	35.9	52.2	8.0	1.8	13410
Ohio Valley.....	6.6	35.0	48.9	8.0	1.6	12130
Missouri.....	6.4	37.6	47.9	8.0	....	12230
LIQUITES:						
Iowa.....	8.4	37.1	35.6	18.9	....	8720
Utah.....	9.3	42.0	44.4	3.2	1.2	11030

## HEATING VALUE OF LIQUID FUELS.

NAME.	Sp. Gravity.	Flashing Point.	Five Deg. F.	Heat Value, B. T. U. per lb.	Spec. Heat.
76° B. Naphtha.....	76.5 B	....	....	180.80	0.55
62° B. Naphtha.....	61.0 B	....	....	178.60	0.50
135° F. Fire T. Kerosene.....	48.0 B	125	135	17.810	0.50
150° F. Fire T. Kerosene.....	48.0 B	134	150	18.290	0.49
Beaumont Cradle.....	0.924	180	200	19.060	....
California.....	0.966	230	311	18.667	....
Calif. Texas.....	0.966	270	280	19.215	....
Pennsylvania.....	0.866	...	...	19.224	....
Wyoming.....	0.996	....	....	19.668	....
Residence, Va.....	0.860	....	....	19.200	....
Residence, Russia.....	0.884	....	....	19.926	....
Ethyl-alcohol.....	.....	....	....	12.942	....

## COMPOSITION AND HEATING VALUE OF SOME GASEOUS FUELS.

NAME.	Melbane	Hydro-gen.	Illumi-nants.	Carbon Dioxide.	Carbon Wn'xide	Oxygen.	Nitrog'n	B. T. U. percu.ft.
NATURAL GAS:								
Ohio.....	93.3	1.6	0.3	0.2	0.4	0.4	3.6	1020
Pennsylvania	89.6	4.9	5.0	0.3	0.3	....	....	1073
PRODUCES GAS:								
Pressure.....	....	12.0	...	2.5	27.0	0.3	57.0	145
Suction.....	0.5	18.5	....	8.0	26.0	....	47.0	145
BLAST FURNACE.	....	1.4	....	0.6	34.3	....	63.7	122
COAL GAS.....	34.8	50.6	5.2	1.2	6.2	....	2.1	599
WATER GAS:								
Enriched.....	19.1	31.3	15.0	3.0	27.4	0.4	3.8	736
Blue.....	0.8	52.4	....	4.6	41.5	....	0.5	332
WOOD.....	2.9	0.5	0.6	11.5	28.4	....	56.1	145
PEAT.....	2.7	0.9	0.4	12.1	27.2	....	56.7	138

## VOLUME AND DENSITY OF WATER AT DIFFERENT TEMPERATURES.

CENTIGRADE	FAHRENHEIT.	At 4°=1 VOLUME.	At 4°=1 DENSITY.
0	32	1.000129	0.999871
1	33.8	1.000072	0.999928
2	35.6	1.000031	0.999969
3	37.4	1.000009	0.999991
4	39.2	1.000000	1.000000
5	42.0	1.000010	0.999990
6	42.8	1.000030	0.999970
7	44.6	1.000067	0.999933
8	46.4	1.000114	0.999886
9	48.2	1.000176	0.999824
10	50.0	1.000253	0.999747
15	59.0	1.000841	0.999100
20	68.0	1.001744	0.998259
25	77.0	1.002888	0.997120
30	86.0	1.004253	0.995765
35	95.0	1.00586	0.994180
40	104.0	1.00770	0.992350
45	113.0	1.00974	0.990291
50	122.0	1.01195	0.98820
60	140.0	1.01691	0.98338
70	158.0	1.02256	0.97794
80	176.0	1.02887	0.97194
90	194.0	1.03567	0.96556
100	212.0	1.04312	0.95865

VARIATION OF BOILING POINT OF WATER WITH  
ATMOSPHERIC PRESSURE.

BOILING POINT.		ATMOSPHERIC PRESSURE.	
Centigrade.	Fahrenheit.	Millimetres.	Inches.
98.5	209.30	720.15	28.352
98.6	209.48	722.75	28.455
98.7	209.66	725.35	28.557
98.8	209.84	727.96	28.660
98.9	210.02	730.58	28.763
99.0	210.20	733.21	28.866
99.1	210.38	735.85	28.970
99.2	210.56	738.50	29.075
99.3	210.74	741.16	
99.4	210.92	743.83	29.179
99.5	211.10	746.50	29.285
99.6	211.28	749.18	29.390
99.7	211.46	751.87	29.495
99.8	211.64	754.57	29.601
99.9	211.82	757.28	29.707
100.0	212.00	760.00	29.814
100.1	212.18	762.73	29.921
100.2	212.36	765.46	30.137
100.3	212.54	768.20	30.244
100.4	212.72	771.95	30.392

BOILING POINTS OF VARIOUS SUBSTANCES AT 760<sup>UM</sup>.

SUBSTANCE.	CENTIGRADE	FAHRENHEIT.
Carbon diadide.....	78	108.0
Ammonia.....	38	36.4
Calovine.....	34	29.2
Sulphur diadide.....	10	14.0
Ebber.....	35	95.0
Carbon desufide.....	46	114.8
Methyl alcohol.....	66	150.8
Ethyl alcohol.....	78	172.4
Chloroform.....	61	141.8
Benzal.....	81	177.8
Water.....	100	212.0
Pure Petroleum.....	159	318.2
Turpentine.....	159	318.2
Sulphur.....	447	836.6
Mercury.....	357	642.6
Salt Solution, Saturated.....	108	226.4
Zinc.....	1040	1872.0

## LUBRICATING OILS.

NAME.	GRAVITY, DEG. B.	FLASH, DEG. F.	COLD TEST, DEG. F.	VISCOSITY SECONDS.
SPINDLE OILS:				
No. 4.....	34.4	320	25	72 at 70° F.
No. 1.....	30.3	390	25	200 at 70° F.
Engine Oil, A.....	31.7	300	30	49 at 70° F.
Engine Oil, B.....	27.9	350	32	104 at 70° F.
Engine Oil, C.....	24.9	395	32	220 at 70° F.
Bayonne Engine Oil.....	23.1	415	34	400 at 70° F.
Cylinder Oil, A.....	28.1	500	50-55	117 at 212° F.
Cylinder Oil, B.....	27.5	550	50	150 at 212° F.
Cylinder Oil, C.....	26.1	600	35	200 at 212° F.

Spec. gravity can be found by formula—  
143

Sp. Gr.  $\frac{143}{133+B^{\circ} \text{ at } 60^{\circ} \text{ F.}}$

## BRINE SOLUTION.

PERCENTAGE STRENGTH.	SPEC. GRAVITY.	SALOMETER DEGREES.	BRAMÉ DEGREES.	FREEZING POINT F.
0	1.0000	0	0	32.0
1	1.0072	4	1	30.5
5	1.0062	20	5	25.2
10	1.0733	40	10	18.7
15	1.1114	60	15	12.2
20	1.1511	80	19	6.1
25	1.1923	100	23	0.5

## TYPICAL COMPOSITION OF AMERICAN LAGER BEER WORTS.

	Draught.	Bottling.
Indication by Balling's Saccharometer.....	12.5	13
Total Solid Extract, per cent.....	12.90	13.37
Fermentable Matter in Extract.....	8.30	9.10
Assimilable Protein.....	0.68	0.75
Total Acidity (as Lactic Acid).....	0.13	0.14
Ratio of Fermentable to Non-Fermentable Matter.....	1:0.55	1:0.47
Ash.....	0.21	0.22

## TYPICAL COMPOSITION OF AMERICAN ALE WORTS.

	Light Sparkling.	Stock.
Indication by Balling's Saccharometer.....	14	17
Total Solid Extract, per cent.....	14.40	17.40
Fermentable Matter in Extract.....	10.50	12.60
Assimilable Protein.....	0.90	1.04
Total Acidity (as Lactic Acid).....	0.15	0.18
Ratio of Fermentable to Non-Fermentable Matter.....	1:0.37	1:0.38
Ash.....	0.23	0.30

## TYPICAL COMPOSITION OF AMERICAN DRIED BREWERS' GRAINS.

Moisture (per cent. by weight).....	8.25
Crude Fat.....	6.25
Crude Protein.....	20.25
Crude Fibre.....	19.60
Ash.....	3.80
Carbohydrates.....	41.85
	<hr/> 100.00

## TYPICAL AVERAGE COMPOSITION OF AMERICAN LAGER BEER.

	[Draught.	Bottling.
Present Specific Gravity.....	1.0159	1.0136
Indication by Balling's Saccharometer.....	4	3.4
Absolute Alcohol (by weight, per cent.).....	3.75	3.97
Volatile Acidity (as Acetic Acid).....	0.003	0.004
Total Unfermented Solid Extract.....	5.75	5.45
Fixed Acidity (as Lactic Acid).....	0.14	0.15
Unfermented Sugar in Extract.....	1.42	1.39
Assimilable Protein.....	0.45	0.51
Ash.....	0.20	0.21
Ratio of Fermentable to Non-Fermentable Matter.	1:3.04	1:2.91
Original Gravity of Wort by Balling (about).....	12.5	13
Real Degree of Fermentation.....	55.3%	58%
Ratio of Alcohol to Extract.....	1:1.53	1:1.37

## TYPICAL AVERAGE COMPOSITIONS OF AMERICAN ALE &amp; PORTER.

	Light Sparkling.	Stock.	Porter.
Present Specific Gravity.....	1.0179	1.0046	1.0134
Indication by Balling's Saccharometer	4.5	1.1	3.3
Absolute Alcohol (by weight, per cent.)	4.21	6.81	6.17
Volatile Acidity (as Acetic Acid).....	0.01	0.022	0.012
Total Unfermented Solid Extract.....	6.50	4.16	6.15
Fixed Acidity (as Lactic Acid).....	0.16	0.34	0.16
Unfermented Sugar in Extract.....	1.75	0.96	1.60
Assimilable Protein.....	0.70	0.81	0.56
Ash.....	0.22	0.30	0.24
Ratio of Fermentable to Non-Fermentable Matter.....	1:2.71	1:3.33	1:2.84
Original Gravity of Wort, by Balling (about).....	14.1	16.8	17.4
Real Degree of Fermentation.....	55%	76%	65.5%
Ratio of Alcohol to Extract.....	1:1.54	1:0.61	1:0.99

## TYPICAL AVERAGE COMPOSITION OF IMPORTED LAGER BEER.

	Wiener.	Pilsener.	Munich.
Present Specific Gravity.....	1.0162	1.0136	1.0203
Indication by Balling's Saccharometer	4	3.4	5.1
Absolute Alcohol (by weight, per cent.)	3.75	3.55	3.80
Volatile Acidity (as Acetic Acid).....	0.023	0.025	0.014
Total Unfermented Solid Extract.....	5.89	5.15	6.93
Fixed Acidity (as Lactic Acid).....	0.13	0.13	0.14
Unfermented Sugar in Extract.....	1.61	0.92	1.53
Assimilable Protein.....	0.78	0.77	0.65
Ash.....	0.19	0.20	0.21
Ratio of Fermentable to Non-Fermentable Matter.....	1:2.65	1:4.58	1:3.52
Original Gravity of Wort by Balling (about).....	12.6	11.6	13.8
Real Degree of Fermentation.....	54.7%	56.7%	51%
Ratio of Alcohol to Extract.....	1:1.57	1:1.45	1:1.82

## TYPICAL AVERAGE COMPOSITIONS OF IMPORTED ALES &amp; STOUT.

	Bass's Ale	Guinness's Stout.
Present Specific Gravity.....	1.006	1.0127
Indication by Balling's Saccharometer.....	1.5	3.2
Absolute Alcohol (by weight, per cent.).....	6.39	6.36
Volatile Acidity (as Acetic Acid).....	0.018	0.037
Total Unfermented Solid Extract.....	4.37	6.05
Fixed Acidity (as Lactic Acid).....	0.22	0.37
Unfermented Sugar in Extract.....	0.96	1.75
Assimilable Protein.....	0.56	0.75
Ash.....	0.32	0.30
Ratio of Fermentable to Non-Fermentable Matter..	1:3.55	1:2.46
Original Gravity of Wort by Balling (about).....	16.1	17.7
Real Degree of Fermentation.....	73.5%	66.5%
Ratio of Alcohol to Extract.....	1:0.68	1:0.95



### GENERALLY USEFUL TECHNICAL DATA.

The standard American barrel is equal to 1.173 hectolitres, or 31 gallons, of 8.339 pounds, or 258.5 pounds of water at 39.2 F.

To determine the degree of real fermentation of a beer multiply the percentage of alcohol by 200, and divide by the original gravity of the wort.

To find from the specific gravity, the approximate percentage of extract in brewers' wort, subtract one and divide the balance by .00399.

To transform the specific gravity into Long degrees, subtract one and multiply by 360.

### COMPARATIVE TABLE OF THE COMPOSITION OF THE CEREALS USED BY BREWERS IN THE BREWING OF MODERN BEERS.

	Malt	Corn Grits	Rice	Barley
Moisture.....	4.00	10.50	10.60	12.00
Starch, sugar and gum.....	68.00	76.40	81.00	60.00
Fat.....	2.25	0.65	0.10	2.50
Nitrogenous matters (soluble).....	4.00	0.00	0.00	0.00
Nitrogenous matters (insoluble).....	8.00	11.00	7.20	12.00
Mineral matters.....	2.25	0.45	0.90	2.50
Cellulose or husk.....	11.50	1.00	0.20	11.00

### NECESSARY DETERMINATIONS TO BE MADE BY CHEMISTS IN THE ANALYSIS OF BREWING WATER.

- (1) Hardness before boiling.
- (2) Hardness after boiling.
- (3) Total solid residue after evaporation.
- (4) Residue after calcining the above at low red heat.
- (5) Bases and acids.
- (6) Free ammonia.
- (7) Albuminoid or organic ammonia.
- (8) Oxygen required to oxidize the organic matter in five minutes at 80° F.
- (9) Oxygen required to oxidize the organic matter in 3 hours at 80° F.
- (10) Nitrous acid or nitrites.
- (11) Nitric acid or nitrites.

TABLE FOR CALCULATING THE AMOUNT OF EXTRACT IN WORTS

Specific Gravity.	SCHULTZ-OSTERMANN The Quantity of Extract		Saccharom. Balling 17.5° C.	Saccharom. Long. 60° F.
	in 100 gr. at 16° F.	in 100 cc at 15° C.		
1.000	0.00	0.00	0.00	0.00
.001	.26	.26	.25	.36
.002	.53	.53	.50	.72
.003	.79	.79	.75	1.08
.004	1.05	1.05	1.00	.44
.005	.31	.32	.25	.80
.006	.57	.58	.50	2.16
.007	.84	.85	.75	.52
.008	2.10	2.12	2.00	.88
.009	.36	.37	.25	3.24
.010	.62	.64	.50	.60
.011	.88	.90	.75	.96
.012	3.13	3.16	3.00	4.32
.013	.40	.42	.25	.68
.014	.65	.70	.50	5.04
.015	.91	.97	.75	.40
.016	4.16	4.23	4.00	.76
.017	.42	.49	.25	6.12
.018	.68	.76	.50	.48
.019	.93	5.02	.75	.84
.020	5.19	.29	5.00	7.20
.021	.44	.55	.25	.56
.022	.69	.82	.50	.92
.023	.95	6.09	.75	8.28
.024	6.20	.35	6.00	.64
.025	.45	.61	.24	.99
.026	.70	.87	.49	9.35
.027	.96	7.14	.73	.70
.028	7.21	.41	.98	10.05
.029	.46	.68	7.22	.40
.030	.71	.94	.46	.76
.031	.96	8.21	.71	11.11
.032	8.21	.47	.95	.47
.033	.46	.74	8.20	.91
.034	.71	9.00	.44	12.25
.035	.96	.27	.68	.60
.036	9.21	.54	.93	.96
.037	.46	.81	9.18	13.32
.038	.71	10.08	.41	.68
.039	.95	.34	.66	14.04
.040	10.20	.61	.90	.40
.041	.44	.87	10.14	.76
.042	.69	11.14	.38	15.12
.043	.94	.41	.62	.48
.044	11.18	.67	.86	.84
.045	.43	.94	11.10	16.20
.046	.67	12.21	.33	.56
.047	.91	.47	.57	.92
.048	12.16	.74	.81	17.28
.049	.40	13.01	12.05	.64
.050	.64	.27	.29	18.00
.051	.89	.55	.52	.36

TABLE FOR CALCULATING THE AMOUNT OF EXTRACT IN WORTS  
*Continued.*

Specific Gravity.	SCHULTZE-OSTERMANN The Quantity of Extract		Saccharom. Balling 17.6° C.	Saccharom. Long. 60° F.
	in 100 gr. at 15° C.	in 100 cc at 15° C.		
.052	13.13	.81	.76	.72
.053	.37	14.08	13.00	19.08
.054	.61	.34	.24	.44
.055	.85	.61	.48	.80
.056	14.09	.88	.71	20.16
.057	.33	15.15	.95	.52
.058	.57	.42	14.19	.88
.059	.81	.69	.43	21.24
.060	15.05	.96	.67	.60
.061	.29	16.23	.90	.96
.062	.52	.49	15.14	22.32
.063	.76	.76	.37	.68
.064	16.00	17.03	.60	23.04
.065	.23	.29	.84	.40
.066	.47	.56	16.02	.76
.067	.71	.83	.30	24.12
.068	.94	18.10	.58	.48
.069	17.18	.37	.77	.84
.070	.41	.63	17.00	25.20
.071	.65	.91	.23	.56
.072	.88	19.17	.45	.92
.073	18.11	.44	.68	26.28
.074	.35	.71	.91	.64
.075	.58	.97	18.14	27.00
.076	.81	20.24	.36	.36
.077	19.05	.51	.59	.72
.078	.28	.78	.82	28.08
.079	.51	21.04	19.05	.44
.080	.74	.30	.27	.80
.081	.96	.57	.50	29.16
.082	20.18	.84	.73	.52
.083	.....	....	20.00	30.00

SIMPLE METRIC CONVERSION TABLE.

Millimetres  $\times .03937$  = inches.  
 Millimetres  $+ 25.4$  = inches.  
 Centimetres  $\times .3937$  = inches.  
 Centimetres  $+ 2.54$  = inches.  
 Metres  $\times 39.37$  = inches. (Act of Congress.)  
 Metres  $\times 3.281$  = feet.  
 Metres  $\times 1.094$  = yards.  
 Kilometres  $\times .621$  = miles.  
 Kilometres  $+ 1.6093$  = miles.  
 Kilometres  $\times 3280.8693$  = feet.  
 Square Millimetres  $\times .00155$  = square inches.  
 Square Millimetres  $+ 645.1$  = square inches.  
 Square Centimetres  $\times .155$  = square inches.  
 Square Centimetres  $+ 6.451$  = square inches.  
 Square Metres  $\times 10.764$  = square feet.

Square Kilometres  $\times 247.1$  = acres.  
 Hectare  $\times 2.471$  = acres.  
 Cubic Centimetres  $+ 16.383$  = cubic inches.  
 Cubic Centimetres  $+ 3.69$  = fl. drams (U. S. P.)  
 Cubic Centimetres  $+ 29.57$  = fluid oz. (U. S. P.)  
 Cubic Metres  $\times 35.315$  = cubic feet.  
 Cubic Metres  $\times 1.308$  = cubic yards.  
 Cubic Metres  $\times 264.2$  = gallons (231. cubic inches.)  
 Litres  $\times 61.022$  = cubic inches. (Act Congress.)  
 Litres  $\times 33.84$  = fluid ounces. (U. S. PHAR.)  
 Litres  $\times .2642$  = gallons (231. cubic inches.)  
 Litres  $+ 3.78$  = gallons (231. cubic inches.)  
 Litres  $+ 28.316$  = cubic feet.  
 Hectolitres  $\times 3.531$  = cubic feet.  
 Hectolitres  $\times 2.84$  = bushels (2150.42 cubic inches.)  
 Hectolitres  $\times .131$  = cubic yards.  
 Hectolitres  $+ 26.42$  = gallons (231. cubic inches.)  
 Grammes  $\times 15.432$  = grains. (Act Congress.)  
 Grammes  $+ 981$  = dynes.  
 Grammes (water)  $+ 29.57$  = fluid ounces.  
 Grammes  $+ 28.35$  = ounces avoirdupois.  
 Grammes per cu. cent.  $+ 27.7$  = lbs. per cubic inch.  
 Joule  $\times .7373$  = foot pounds.  
 Kilo-grammes  $\times 2.2046$  = pounds.  
 Kilo-grammes  $\times 35.3$  = ounces avoirdupois.  
 Kilo-grammes  $+ 907.2$  = tons (2,000 lbs.)  
 Kilo-gr. per sq. cent.  $\times 14.223$  = lbs. per square inch.  
 Kilo-gram-metres  $\times 7.233$  = foot pounds.  
 Kilo-gr. per Metre  $\times .672$  = pounds per foot.  
 Kilo-gr. per Cu. Metre  $\times .062$  = pounds per cubic foot.  
 Kilo-gr. per Cheval  $\times 2.235$  = pounds per H. P.  
 Kilo-Watts  $\times 1.34$  = Horse Power.  
 Watts  $+ 746$  = Horse Power.  
 Watts  $\times .7373$  = foot pounds per second.  
 Calorie  $\times 3.968$  = B. T. U.  
 Cheval vapeur  $\times .9863$  = Horse Power.  
 (Centigrade  $\times 1.8$ )  $+ 32$  = degree Fahrenheit.  
 Franc  $\times .193$  = dollars.  
 Gravity Paris = 980.94 centimetres per sec.

TABLE OF SPECIFIC GRAVITY OF SOME COMMON SUBSTANCES.

	Spec. Gravity.		Spec. Gravity.
Acetic Acid.....	1.6	Ivory.....	1.82
Alcohol.....	.7938	Limestone.....	2.6
Alum (Ammonium).....	1.63	Linseed Oil.....	.94
Alum (Potassium).....	1.73	Oak.....	.77—.98
Aluminium Bronze.....	7.68	Olive Oil.....	.915
Borax (Crystal).....	1.69	Petroleum.....	.78—.81
Brass.....	7.3—8.5	Porcelain.....	2.3
Cork.....	.240	Salt.....	2.16
Ether.....	.723	Sea-water.....	1.03
Glass.....	3.2	Slate.....	2.5—2.8
Glycerine.....	1.26	Sulphurous Anhydride	
Gun-metal.....	8.5	(Liquid) about.....	1.45
Gutta Percha.....	.996	Tallow.....	.94
Gypsum.....	2.28	Tar.....	1.016
India-rubber.....	.925	Tile.....	1.8

## ELEMENTS.

By the Elements are known all those substances which analysis has failed to further reduce or sub-divide.

All the material universe around us is composed of these materials in various forms of association.

Carbon, Oxygen, Hydrogen and Nitrogen prevail in the animal and vegetable kingdoms, whilst Aluminium, Calcium, Carbon, Chlorine, Hydrogen, Iron, Oxygen, Silicon, Sodium, and Sulphur make up the greater part of the mineral kingdom.

Many of the Elements exist in very small quantities; several are rarer than gold.

The following table gives the chief Elements, together with (1) the "Symbols" by which they are denoted in Chemistry; (2) their Atomic weights or smallest combined proportions, taking Hydrogen as 1; (3) their Atomicity, or the multiples of their atomic weights by which they may combine; (4) their Specific Gravity, taking Water as 1.

Elements.	Symbol.	Atomicity.	Atomic Weight.	Specific Gravity.
Aluminum.....	Al	III	27.5	2.56
Antimony.....	Sb	V	122	6.7
Arsenic.....	As	V	75	5.75
Barium.....	Ba	II	137	4.0
Bismuth.....	Bi	V	208	9.8
Boron.....	B	III	11	2.68
Bromine.....	Br	I	80	2.96
Cadmium.....	Cd	II	112	8.67
Calcium.....	Ca	II	40	1.65
Carbon.....	C	IV	12	2.33
Chlorine.....	Cl	I	35.5	—
Chromium.....	Cr	VI	52.5	6.5
Cobalt.....	Co	VI	58.8	8.66
Copper.....	Cu	II	63.5	8.958
Fluorine.....	F	I	19	—
Gold.....	Au	III	196.7	19.26
Hydrogen.....	H	I	1	—
Iodine.....	I	I	127	4.948
Iron.....	Fe	VI	56	7.79
Lead.....	Pb	IV	207	11.36
Magnesium.....	Mg	II	24	1.70
Manganese.....	Mn	VI	55	8.03
Mercury.....	Hg	II	200	13.60
Molybdenum.....	Mo	VI	95.5	8.56
Nickel.....	Ni	II	58.8	8.5
Nitrogen.....	N	V	14	—
Oxygen.....	O	II	16	—
Palladium.....	Pd	IV	106.5	11.40
Phosphorus.....	P	V	31	1.840
Platinum.....	Pt	IV	197.4	21.15
Potassium.....	K	I	39	.88
Selenium.....	Se	VI	79	4.28
Silicon.....	Si	IV	28.5	2.49
Silver.....	Ag	I	108	10.53
Sodium.....	Na	I	23	.9722
Strontium.....	Sr	II	87.5	2.542
Sulphur.....	S	VI	32	2.07
Tellurium.....	Te	VI	128	6.180
Tin.....	Sn	IV	118	7.3
Tungsten.....	W	VI	184	19.129
Uranium.....	Ur	VI	240	18.4
Zinc.....	Zn	II	65	7.13

## LIST OF FREEZING MIXTURES.

		Thermometer sinks Degrees F.
Snow or pounded ice.....	2 parts	to— 5°
Sodium Chloride (Salt).....	1 part	
Snow.....	2 parts	From +32° to—50°
Calcium Chloride, Crystallised.....	3 "	
Ammonium Nitrate.....	1 part	From +50° to— 5°
Water.....	1 "	
Ammonium Nitrate.....	1 part	From +50° to— 7°
Sodium Carbonate (Soda).....	1 "	
Water.....	1 "	
Ammonium Chloride (Sal-ammoniac).....	5 parts	From +50° to— 4°
Potassium Nitrate (Saltpetre).....	5 "	
Sodium Sulphate.....	8 "	
Water.....	16 "	
Ammonium Chloride (Sal-ammoniac).....	5 parts	From +50° to +10°
Potassium Nitrate (Saltpetre).....	5 "	
Water.....	16 "	
Sulphate of Soda.....	8 parts	From +32° to—27°
Hydrochloric Acid.....	5 "	

## TEMPERATURE OF STEAM UNDER PRESSURE.

Pressure lbs. per sq. inch	Temperature °F	Pressure lbs. per sq. inch	Temperature °F
0.0	212.0	55.3	302.9
0.3	213.1	60.3	307.5
2.3	219.6	65.3	312.0
4.3	225.3	70.3	316.1
6.3	230.6	75.3	320.2
8.3	235.5	80.3	324.1
10.3	240.1	85.3	327.9
15.3	250.4	95.3	334.6
20.3	259.3	105.3	341.1
25.3	267.3	115.3	347.2
30.3	274.4	125.3	352.9
35.3	281.0	145.3	363.4
40.3	287.1	165.3	372.9
45.3	292.7	185.3	381.7
50.3	298.0	235.3	401.1

The specific gravity of any substance (water being taken=1,000) gives the weight in ounces of a cubic foot *approximately*.

Thus:

1 cubic foot of water weighs approximately 1,000 ounces=62.5 lbs.

1 cubic foot of lead (spec. grav. 11360) weighs approximately 11,360 ounces=710 lbs.

To find the area of a circle: square the diameter and multiply by .7854.

To find the contents of a sphere: Cube the diameter and multiply by .5236.

To find the contents of a cylinder= $c$ :

$c$ =area of base $\times$ height.

To find the contents of a rectangular vessel= $c$ :

$a$ =length of one side.

$h$ =height.

$b$ =length of other side.

$c=a\times b\times h$ .

### U. S. WEIGHTS AND MEASURES.

CUBIC. (Solid.)	WEIGHT, AVOIRDUPOIS. (Mass.)
	437.5 grains=1 ounce.
	16 ounces =1 pound
1728 cu. in. =1 cu. foot.	(7,000 grains) (1).
9 cu. feet=1 cu. yard.	112 pounds =1 hundredweight.
128 cu. feet=1 cord (of wood)	20 hundredweight=1 ton (2,240 lbs.) (2).

(1) The weight of 27.7015 cubic inches of pure water at maximum density, of 39°.2 F. The pound Troy contains 7,560 grains, and is divided into 12 ounces of 480 grains each. The grain Troy and the grain Avoirdupois are the same.

(2) The ton of 2,000 pounds is the "metric" or short ton.

The following are minimum weights of the respective materials according to the U. S. laws and usages:

	Weight of Bushel.	Weight of Cu. Foot.
Wheat.....	60 lbs.	47.7 lbs.
Oats.....	32 "	25.2 "
Rye.....	56 "	45. "
Barley.....	48 "	38.5 "
Malt.....	34 "	27.3 "
Rice (broken).....	58 "	46.6 "
Rice grits.....	48 "	38.5 "
Corn, shelled.....	56 "	45. "
Corn grits.....	54 "	43.3 "
Corn meal.....	47 "	37.7 "
Cerealine.....	14 "	11.2 "
Fine salt.....	56 "(3)	45 "
Coke.....	35 "	28.1 "
Lime.....	70 "	56.2 "

(3) The weight per bushel of salt varies widely in different States with the quality of salt, and ranges from 50 to 80 pounds.

**COMPARISON OF THERMOMETERS.**  
CENTIGRADE, FAHRENHEIT AND RÉAUMUR.

C.	F.	R.	C.	F.	R.	C.	F.	R.	C.	F.	R.
—17.8	0	—14.2	12.2	54	9.8	42.2	108	33.8	72.2	162	57.8
—17.2	1	—13.8	12.8	55	10.2	42.8	109	34.2	72.8	163	58.2
—16.7	2	—13.3	13.3	56	10.7	43.3	110	34.7	73.3	164	58.7
—16.1	3	—12.9	13.9	57	11.1	43.9	111	35.1	73.9	165	59.1
—15.6	4	—12.4	14.4	58	11.6	44.4	112	35.6	74.4	166	59.6
—15.	5	—12.	15.	59	12.	45.	113	36.	75.	167	60.
—14.4	6	—11.6	15.6	60	12.4	45.6	114	36.4	75.6	168	60.4
—13.9	7	—11.1	16.1	61	12.9	46.1	115	36.9	76.1	169	60.9
—13.3	8	—10.7	16.7	62	13.3	46.7	116	37.3	76.7	170	61.3
—12.8	9	—10.2	17.2	63	13.8	47.2	117	37.8	77.2	171	61.8
—12.2	10	—9.8	17.8	64	14.2	47.8	118	38.2	77.8	172	62.2
—11.7	11	—9.3	18.3	65	14.7	48.3	119	38.7	78.3	173	62.7
—11.1	12	—8.9	18.9	66	15.1	48.9	120	39.1	78.9	174	63.1
—10.6	13	—8.4	19.4	67	15.6	49.4	121	39.6	79.4	175	63.6
—10.	14	—8.	20.	68	16.	50.	122	40.	80.	176	64.
—9.4	15	—7.6	20.6	69	16.4	50.6	123	40.4	80.6	177	64.4
—8.9	16	—7.1	21.1	70	16.9	51.1	124	40.9	81.1	178	64.9
—8.3	17	—6.7	21.7	71	17.3	51.7	125	41.3	81.7	179	65.3
—7.8	18	—6.2	22.2	72	17.8	52.2	126	41.8	82.2	180	65.8
—7.2	19	—5.8	22.8	73	18.2	52.8	127	42.2	82.8	181	66.2
—6.7	20	—5.3	23.3	74	18.7	53.3	128	42.7	83.3	182	66.7
—6.1	21	—4.9	23.9	75	19.1	53.9	129	43.1	83.9	183	67.1
—5.6	22	—4.4	24.4	76	19.6	54.4	130	43.6	84.4	184	67.6
—5.	23	—4.	25.	77	20.	55.	131	44.	85.	185	68.
—4.4	24	—3.6	25.6	78	20.4	55.6	132	44.4	85.6	186	68.4
—3.9	25	—3.1	26.1	79	20.9	56.1	133	44.9	86.1	187	68.9
—3.3	26	—2.7	26.7	80	21.3	56.7	134	45.3	86.7	188	69.3
—2.8	27	—2.2	27.2	81	21.8	57.2	135	45.8	87.2	189	69.8
—2.2	28	—1.8	27.8	82	22.2	57.8	136	46.2	87.8	190	70.2
—1.7	29	—1.3	28.3	83	22.7	58.3	137	46.7	88.3	191	70.7
—1.1	30	—0.9	28.9	84	23.1	58.9	138	47.1	88.9	192	71.1
—0.6	31	—0.4	29.4	85	23.6	59.4	139	47.6	89.4	193	71.6
0.	32	—0.	30.	86	24.	60.	140	48.	90.	194	72.
0.6	33	0.4	30.6	87	24.4	60.6	141	48.4	90.6	195	72.4
1.1	34	0.9	31.1	88	24.9	61.1	142	48.9	91.1	196	72.9
1.7	35	1.3	31.7	89	25.3	61.7	143	49.3	91.7	197	73.3
2.2	36	1.8	32.2	90	25.8	62.2	144	49.8	92.2	198	73.8
2.8	37	2.2	32.8	91	26.2	62.8	145	50.2	92.8	199	74.2
3.3	38	2.7	33.3	92	26.7	63.3	146	50.7	93.3	200	74.7
3.9	39	3.1	33.9	93	27.1	63.9	147	51.1	93.9	201	75.1
4.4	40	3.6	34.4	94	27.6	64.4	148	51.6	94.4	202	75.6
5.	41	4.	35.	95	28.	65.	149	52.	95.	203	76.
5.6	42	4.4	35.6	96	28.4	65.6	150	52.4	95.6	204	76.4
6.1	43	4.9	36.1	97	28.9	66.1	151	52.9	96.1	205	76.9
6.7	44	5.3	36.7	98	29.3	66.7	152	53.3	96.7	206	77.3
7.2	45	5.8	37.3	99	29.8	67.2	153	53.8	97.2	207	77.8
7.8	46	6.2	37.8	100	30.2	67.8	154	54.2	97.8	208	78.2
8.3	47	6.7	38.3	101	30.7	68.3	155	54.7	98.3	209	78.7
8.9	48	7.1	38.9	102	31.1	68.9	156	55.1	98.9	210	79.1
9.4	49	7.6	39.4	103	31.6	69.4	157	55.6	99.4	211	79.6
10.	50	8.	40.	104	32.	70.	158	56.	100.	212	80.
10.6	51	8.4	40.6	105	32.4	70.6	159	56.4			
11.1	52	8.9	41.1	106	32.9	71.1	160	56.9			
11.7	53	9.3	41.7	107	33.3	71.7	161	57.3			

**METHOD FOR INTER-CONVERTING THE THREE THERMOMETER SCALES.**

- °C. to °R., multiply by 4 and divide by 5.
- °R. to °C., multiply by 5 and divide by 4.
- °R. to °F., multiply by 9 and divide by 4; then add 32.
- °C. to °F., multiply by 1.8: then add 32.
- °F. to °C., first subtract 32: then divide by 1.8.
- °F. to °R., first subtract 32: then multiply by 4 and divide by 9.



TO FIND THE CAPACITY OF ROUND VATS IN BARRELS OF 31 GALLONS.

Diam. in feet.	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
5	23.69	34.11	46.43	60.65	76.76	94.76	114.66	136.46	160.15	185.74	213.21	242.59	273.87	307.03	342.10	379.05
6	28.43	40.94	55.72	72.78	92.11	113.72	137.60	163.75	192.18	222.88	255.86	291.11	328.64	368.43	410.51	454.86
7	33.16	47.76	65.00	84.91	107.46	132.67	160.53	191.04	224.21	260.03	298.50	339.63	383.41	429.85	478.93	530.67
8	37.90	54.58	74.29	97.04	122.81	151.62	183.46	218.33	256.24	297.18	341.15	388.15	438.19	491.25	547.35	606.49
9	42.64	61.40	83.58	109.17	138.16	170.57	206.39	245.63	288.27	334.82	383.79	436.67	492.96	552.66	615.77	682.30
10	47.38	68.22	92.87	121.30	153.52	189.53	229.33	272.92	320.30	371.47	426.43	485.19	547.73	614.07	684.19	758.11
11	52.12	75.05	102.15	133.43	168.87	208.48	252.26	300.21	352.33	408.62	469.07	533.71	602.51	675.47	752.61	833.92
12	56.85	81.87	111.44	145.56	184.22	227.43	275.19	327.51	384.36	445.77	511.72	582.23	657.28	736.88	821.03	909.73
13	61.59	88.69	120.73	157.69	199.57	246.38	298.13	354.79	416.39	482.91	554.36	630.74	712.05	798.29	889.45	985.54
14	66.33	95.52	130.01	169.81	214.92	265.34	321.06	382.09	448.42	520.06	597.00	679.26	766.83	859.69	957.87	1061.35
15	71.07	102.34	139.30	181.94	230.27	284.29	343.99	409.38	480.45	557.21	639.65	727.78	821.60	921.10	1026.29	1137.16
16	75.81	109.17	148.59	194.07	245.63	303.24	369.92	436.67	512.48	594.36	682.30	776.30	876.37	982.52	1094.71	1212.97
17	80.54	115.99	157.87	206.20	260.98	322.20	389.86	463.96	544.51	631.51	725.94	824.82	931.15	1043.91	1163.13	1288.78
18	85.28	122.81	167.16	218.33	276.33	341.15	412.79	491.25	576.54	668.65	767.58	873.34	985.92	1105.32	1231.55	1364.59
19	90.02	129.63	176.45	230.46	291.68	360.10	435.72	518.54	608.57	705.80	810.23	921.86	1040.69	1166.73	1299.96	1440.40
20	94.76	136.46	185.74	242.59	307.03	379.05	458.65	545.84	640.61	742.94	852.87	970.38	1095.47	1228.13	1368.38	1516.22

DEPTH IN FEET.

## CHAPTER VI.

### PROBLEM OF THE SALOON—THE CLEAN-UP MOVEMENT.

#### I.

**T**HE following Declaration of Principles was adopted, without a dissenting voice, at the Forty-eighth Annual Convention of the United States Brewers' Association held in Milwaukee in June, 1908:—

“The United States Brewers' Association, in convention assembled, presents the following declaration of principles and declares its sympathy with, and offers its coöperation with any movement looking to **THE PROMOTION OF HABITS OF TEMPERANCE IN THE USE OF FERMENTED BEVERAGES**. By temperance is meant temperate use—neither abuse or disuse. We believe that the temperate use of beer promotes health and happiness, which are the underlying conditions of morality and social order, and in this belief we are supported by the vast preponderance of educated as well as popular opinion all over the world.

“Consistently with this belief we favor the passage and the enforcement of laws for the regulation of the drink traffic and for keeping such traffic free from unlawful and improper accessories, and we earnestly desire such improvement in the drinking habits of the people as will still further advance temperance, together with the spread of enlightenment as to the proper functions of drink, whereby the individual may be able to regulate his habits according to the requirements of **WHOLESOME LIVING**.

“We realize that these declarations are contrary to what the public is being persistently told by those who are opposed to the use of alcoholic beverages, in regard to the attitude of the brewers towards the drink question, and especially towards the saloon.

“For that reason we desire to make clear **TWO IMPORTANT POINTS**.

"FIRST:—It is a mistake to believe that the COMMERCIAL INTEREST of the brewer stands back of the excessive multiplication of saloons or of any of the unlawful or improper practices resorted to by a small minority of saloon keepers to swell their incomes, such as keeping open after hours, selling to minors or drunkards, encouraging or tolerating gambling and the "social evil" in connection with their places, etc. We recognize that the amount of beer sold by such improper and unlawful practices is trifling, and is more than offset by the patronage of a place conducted according to law and the proprieties. We also recognize that the multiplication of saloons beyond the requirements of the market involves great expense which is by no means made up by additional sales of beer, and that the maintenance of saloons in residence neighborhoods where they are not desired by the residents, is neither profitable nor wise, as the antagonism created by their presence involves greater loss than the sales in such saloons would make good.

"We are not, in this present statement, putting our arguments upon the basis of public spirit and consideration for morals or social order. While yielding to no class of citizens in cherishing these sentiments and considerations, and believing firmly that the temperate use of fermented beverages promotes both morality and social order, the purpose of this present statement is only to dispel the FALSE IMPRESSION THAT THE COMMERCIAL INTEREST OF THE BREWER IS SERVED BY ENCOURAGING OR CONNIVING AT LAWLESSNESS. We do not deny that keen competition has in the past led to a multiplication of saloons beyond the actual requirements of the market. In that respect our business does not differ from many other lines, some of which have been recently overhauled by legislation designed to eliminate the evils resulting from excessive competition. THE EXISTING EVILS, HOWEVER, CAN BE ERADICATED BY ACTION ON THE PART OF INDIVIDUALS IN THE TRADE ONLY IF THEY ARE AIDED AND SUPPORTED BY PUBLIC SENTIMENT AND SUITABLE LAWS, which will make it impossible for a small number of people who may not wish to abide by the concerted action of the majority of the trade, to make such action futile. THE BREWERS ARE READY AND ANXIOUS TO DO THEIR SHARE, to coöperate to the extent of their power in the work of eliminating abuses connected with the retail trade. While repudiating the charge that theirs is the CHIEF responsi-

bility for the existence of such abuses, they ask the coöperation of the public and the proper authorities in the work of making the saloon what it ought to be, a place for wholesome refreshment and recreation.

"SECOND:—The brewer is charged with BEING IN POLITICS AND USING POLITICAL POWER for the purpose of influencing legislation, paralyzing executive action and protecting the disorderly saloon. Such statements are grossly exaggerated. Rather it is true that the existence of disorderly saloons is in many cases the work of a certain class of politicians who keep them alive for their own purposes and in opposition to the wishes of the brewers. With suitable laws properly enforced and backed by healthy public sentiment, such disorderly saloons could be exterminated and not only the community purified of objectionable places, but the brewing trade freed of an incubus which it is now struggling to shake off without such assistance. No one would hail such a consummation with greater satisfaction than the brewer.

"If the brewers have been driven into politics, it is due to the intemperate attacks upon them along political lines, and we ask the public to bear in mind that self-preservation is a very elementary instinct. Whenever a spirit of genuine inquiry and rational betterment shall take the place of heedless persecution aiming not at improvement, but at the extermination of our business—and that is the object of both the Prohibition and the anti-saloon movements, the protestations of the anti-saloon men to the contrary notwithstanding—the brewers will welcome it sympathetically and bring to all efforts at true progress the knowledge acquired from their practical acquaintance with the matter, and will, as brewers, gladly refrain from participation in politics.

"THE BREWERS ARE READY TO BE TAKEN AT THEIR WORD. Already in many places they are engaged in active work for the purification of the retail trade. In some cases this is being done on their own initiative with the help of the constituted authorities; in other cases, they are coöperating while the authorities and certain volunteer organizations are leading; again, they are doing it in spite of the politicians and against the wishes of the so-called reformers. They are trying to do what is really and properly the work of the official representatives of the people.

"While not denying a certain amount of heedless competition

which our business has shared with many other lines—the realization of unfortunate and unlooked-for consequences having come home to us only within recent times—we turn with confidence to the fair-minded American public and ask it, in view of many practical instances of our sincerity given in the face of great difficulties, to consider the statements above made, and to accept our assurance that the objectionable features of the retail liquor traffic do not rest upon, and are not backed, either by the commercial interest or by any supposed political power of the brewers, but that THE ELIMINATION OF SUCH OBJECTIONABLE FEATURES IS MOST EARNESTLY DESIRED BY OUR TRADE, that we will lend our fullest coöperation towards their extinction, and that we invite the assistance of public officials and the people in general to that end.”

#### REFORM OF THE SALOON.

The law-maker, the magistrate, the police authorities, the landlord, the bonding companies, and the licensing authorities must share the odium which rests upon the saloon and its backers, for the evils which have arisen. But whoever may be responsible, the plain fact is that the saloon business is jeopardized by its black sheep, and as a matter of enlightened self-interest, we must proceed to find a remedy.

Experience proves that all cities have saloons. If the saloon is not legalized, an illegal substitute appears in the form of “speak-easies,” drug stores and the like. As even the Anti-Saloon League in its Blue Book concedes that the use of intoxicating liquors cannot well be reached by law, and the most rabid Prohibition States have not yet attempted to legislate against the *use* of liquor, there must and will be agencies to supply the demand. Therefore we stand for open legalized saloons as against the hidden dives or “speak-easies,” for the decently conducted saloon under proper laws and regulations, as against the secret drinking which demoralizes the home; we stand against the tricks and evasions, the manifold evils of Prohibition, that bring law into contempt; and we believe that the overwhelming sentiment of the community is with us in our contentions. Moreover, we maintain that saloons should have the same right of sale which is conceded to hotels and clubs. The city saloon is a necessary social institution which serves many useful purposes besides the sale of liquor. Properly conducted, it is a community asset.

The abuse of the saloon is marked by disorderly and disreputable practices, which are not really incidental to the business. We agree with all decent men upon these points.

1. That the saloon should not be used to foster the social evil, and should be utterly divorced from it.
2. That the saloon should not be used for gambling purposes.
3. That the saloon should not be open to minors and that the sale of intoxicants to children should be proscribed.

The problem of the saloon is one of regulation, by statutory authority; of administration by the trade. From either standpoint, it is a complex problem which cannot be settled in the off-hand fashion that seems so easy to superficial observers.

Saloon reforms cannot be brought about by the brewers individually. But the brewers, as an organization, can accomplish a great deal, though their organized power has not yet been fully tested.

The regulation of the saloon has been needlessly complicated by experimental legislation, party politics, police corruption and inefficiency. Fixed and arbitrary limitations, imposed upon communities by the State, without regard to local conditions, have only increased the difficulty. Where the State allows elasticity of method, the well-governed communities have worked out a satisfactory plan for themselves. Any honest and fair-minded committee of average citizens can do this, by the exercise of a little common sense. But they must be free from outside interference. To keep the saloon out of politics, it must first be *taken out of politics*. And the best way to keep it *in* politics is to provide by local option laws for the constant agitation of the license question, with the element of harassing uncertainty which this involves. In recent years the saloon had been growing to be less and less a political factor. To-day it threatens to become the biggest political issue in our history.

Wherever the Anti-Saloon League has waged its warfare of extermination, all other political issues have been dwarfed and personal rancor and bitterness have taken the place of calm judgment. Designing politicians play for the anti-saloon vote or the pro-saloon vote without the least concern as to any principles involved.

## PROHIBITION FALLACIES.

The purpose of the Anti-Saloon League is avowedly the total abolition of the saloon, together with the absolute prohibition of the manufacture, sale, or distribution of any beverage which contains alcohol. By this proscriptive method, the agents of the League would have us believe that the taste and, therefore, the demand for such beverages will ultimately cease.

The advocates of Prohibition have been forced by the logic of facts to admit that Prohibition does not prohibit. But they say, neither do the criminal laws prohibit crime. Thieving is called a "fine art," the enterprising burglar still burgles, the pickpocket is still working overtime. But the act of theft is a crime; the act of drinking alcoholic beverages is not a crime! We don't forbid a man his household luxuries, because of the temptation which they offer to burglars; we punish the burglar! Moreover, all effective laws depend for their enforcement upon the will of the community. A law which governs our personal habits can only be sustained by overwhelming public sentiment. The policeman is the servant of the people; not their forbidding autocrat! There are probably not ten men in a million who would condone burglary, but there are thousands of men who perjure themselves to buy a drug store drink every month, in our Prohibition towns. Prohibition legislation puts a premium upon law-breaking, and corrupts the whole machinery of government.

Almost every function of life can be made a vice, if it is improperly used. Bigamy is a vice; shall we therefore forbid marriage? No man can be a bigamist who has not been married at least once. Extortion is a crime; shall we therefore stop banking? Gluttony is a vice; shall we stop eating? Typhoid is a dire disease; must we stop drinking water? Milk is frequently injurious; shall we kill our cows? There is a limit even to the most benevolent paternalism. We all have to fight for our lives; we must, each of us, work out our own salvation, and there are literally millions of people who indulge habitually, but temperately, in alcoholic beverages, without injury to their physical or moral welfare.

Men of clear vision and intelligence, whose experience has taught them to be worldly wise, are in common agreement upon these points:

1. That the temperate use of alcoholic liquors is so widely spread as to be a national custom.
2. That this generation of men and women is more temperate than any preceding generation in our history.
3. That the abuse of such liquors, while comparatively small, is nevertheless a grave, and to some extent, an unnecessary evil.
4. That practical remedies are to be found in regulation, education, moral suasion, and in raising the standard of living.
5. That the standard of living can best be raised by improved housing conditions, by liberal expenditures for public health, industrial training, and recreation centers, and by reducing the hours of work and increasing the scale of wages of the unskilled laboring class.

#### INEBRIETY.

The failure of Prohibition whether in city, county, or State, is conceded by all impartial students of Government. The character, and kind, and place of drink are changed by Prohibition, but none of the schemes which attempt to suppress or ignore the saloon, have checked the evil of inebriety. They have simply driven drinking into secret channels where it is not under social control.

The time is ripe for a thoroughly scientific study of Inebriety and the adoption of a definite and comprehensive plan of dealing with it. The jail-method has proved a hopeless failure. The medical authorities are agreed that drunkenness is frequently a disease. There is sound sense in sending a drunkard to a custodial institution, if the institution provides facilities for competent observation and physical treatment, with special work, proper diet and personal consideration. But the benefit of such a system will only be secured by an indeterminate sentence, according to which the convict will be confined until it seems safe to release him. Even then it will probably be best to send him out on parole, with the understanding that he can be rearrested and sent back to the institution if he returns to his old habits.

The tally of the arrests for drunkenness is most misleading; often the same individual goes in and out of the lockup a dozen times a year, and each time he is counted as a separate unit. To send such a man to jail is worse than useless. Our county jails are



universally condemned as simply schools of crime, and to send a poor drunkard to jail is to lower his moral tone and decrease his power of resistance to temptation.

These questions are hardly ever considered or discussed by the Anti-Saloon League, and the League has done absolutely nothing to further the movement for the study and treatment of inebriety. Indeed their agents have actually hindered it by their exaggerated statements as to the extent of the evil, for their misleading figures magnify the problem to such staggering proportions as to make the cost of the proposed remedies prohibitive.

The crux of the whole question is really this: Can the common use of intoxicants be prevented by abolishing their lawful sale? If not, the practical thing to do is to improve the system of regulating the places where they are sold, and to encourage the sale of those beverages which have the smallest amount of alcohol, while at the same time the work of popular education is continued along the lines of self-restraint and moderation in all things.

## II.

## THE CLEAN-UP MOVEMENT.

STRONG AND GENERAL EFFORT OF BREWERS TO  
CARRY OUT THEIR PLEDGE.

Hugh F. Fox, Secretary of the United States Brewers' Association, makes the following statement in *Charities and the Commons*:

At the last convention of the United States Brewers' Association a declaration of principles was adopted which set forth the willingness of the brewers to coöperate in the passage and enforcement of rational laws for the regulation of the drink traffic, and for keeping such traffic free from unlawful and improper accessories. It would be unreasonable to expect a revolution in the six months which have elapsed, but enough has been accomplished to make us feel encouraged.

It is impossible to study this question impartially without reaching the conclusion that in a number of States the laws are directly responsible for many of the evils which prevail.

For example, the Ohio constitution forbids the licensing of the sale of liquors, and in lieu of a license an annual tax is imposed, practically without conditions. Under such an arrangement any man who could pay the tax has been able to open a saloon, and it will readily be seen that with no restriction as to the number of licenses, or the character of the saloon keeper, the business has fallen into disreputable hands.

The law of New York State has encouraged the multiplication of saloons, and is directly responsible for the establishment of fake hotels to catch the Sunday trade. On the other hand, the Pennsylvania law, restricting the saloons and placing the licensing in the hands of the courts with power of revocation, has resulted in the saloon being conducted decently and with strict observance of the law.

## WORKING OF THE PENNSYLVANIA LAW.

It is true that there are objections to the law from the standpoint of the courts, and that Sunday closing of the saloon has resulted in a great deal of illicit Sunday traffic, which is winked at by the police. However, this has nothing to do with the beer busi-

ness, for practically no beer is sold illicitly, and the licensed trade in Pennsylvania has absolutely no connection with the evil.

In Greater New York the brewers have established a working arrangement with the Committee of Fourteen and the bonding companies, which has resulted in the cleaning up of about a hundred disreputable places. The law itself makes the undertaking difficult, and it is further complicated by the overcrowded condition of the courts and the attitude of some of the minor judges.

Neither the brewers nor the Committee of Fourteen are thoroughly satisfied with the result, but they feel that a creditable start has been made, which warrants the continuance of the compact. Similar work has been done in Buffalo, Rochester and other up-State cities.

#### THE WORK IN OHIO.

In October, 1907, the Ohio Brewers' Association established a vigilance bureau to investigate the saloon business and report obnoxious places, with proofs of their misconduct, to the authorities. It demanded that legal steps be taken to close up such places and if the authorities failed to act, the association was instructed to bring legal proceedings itself, to drive the disreputable saloon keeper out of business.

The executive board of the association did not expect to bring about the millennium, but it went at its business thoroughly, employing detectives to get evidence wherever necessary. A letter was addressed to every saloon keeper in the State, calling attention to the law and giving a warning.

Particular attention was paid to the enforcement of the juvenile law, and in many localities the brewers are coöperating with juvenile courts. A special department was organized with a corps of twenty-five men whose duty it was to obtain information as to the manner in which the saloons were conducted throughout the State.

In Cincinnati alone more than one hundred places were reported to the chief of police, and in several other cities the vigilance bureau succeeded in eliminating a large number of dives.

The greatest obstacle the Ohio brewers found in their work of reformation was the evident compact which existed between lawless dealers and grafting authorities. In cities where such conditions existed, the brewers were compelled to prosecute vigorously, in

their own behalf. The work has been expensive, and has brought down upon the brewers a great deal of political opposition and misrepresentation, but on the whole the response to the movement has been most encouraging.

Perhaps nothing could illustrate the difficulty of the problem from the brewers' standpoint more than a recent controversy with the chief of police of Cincinnati. The chief stated that he did not propose to act "as the brewers' agent in assisting to convict law-breaking dive-keepers."

#### RETORT OF THE BREWERS' BOARD.

Percy Andreae, of the Brewers' Board of Trade, retorted as follows:

"We have succeeded in some instances, distributed over some fifty cities and villages in the State, in driving out notorious dive-keepers. But in a far greater number of instances we have failed and in every one of these latter instances the cause of our failure proved to be the same cause of which our esteemed chief of police makes so strange a boast. In other words, we succeeded wherever the police administration welcomed our efforts, and we failed wherever the police administration did not welcome our efforts, or, as Chief Millikin emphatically describes it, 'where the police proudly refused to act as the brewers' agent.'"

The Texas Brewers' Association was perhaps the pioneer in the clean-up movement. An enormous amount of money was spent in securing evidence as to disorderly practices, particularly in connection with the gambling evil as associated with the saloon. The association has succeeded in breaking up gambling in the saloons and suppressing other disorderly practices.

#### GREATEST SUCCESS IN MILWAUKEE.

Perhaps Milwaukee represents the most successful undertaking for which the brewers are responsible in the clean-up movement. At the instance of the Milwaukee Brewers' Association the chief of police recommended to the new council license committee last May that a number of licenses be revoked. After considerable negotiations between the authorities and the brewers, in the course of which the Mayor stated that "It would be easier to refuse licenses for cause than to revoke them for cause," action was postponed until the beginning of July, when every license expired.

In the meantime a white list was prepared of the saloons that were being properly conducted, for which license renewals were recommended by the license committee and the chief of police. As a result of this action, seventy-nine saloons were closed on July 6. These places included three dozen dance halls, connected with saloons, in outlying parts of the city, and a number of so-called hotels and joints where women of questionable character resorted. About fifty saloons were also closed in the County of Milwaukee, outside of the city.

The Milwaukee incident is particularly significant because it shows what can be done by the earnest coöperation of the manufacturers, the reputable dealers and the civic authorities. In this case the mayor, the chief of police and the common council worked in complete harmony with the brewers and the Milwaukee Liquor Dealers' Protective Association. The brewers, however, are entitled to the credit for initiating the movement.

Space forbids a further recital of testimony. It has, however, been demonstrated that the brewers can accomplish a great deal where the laws are reasonably good and the authorities honestly willing to do their part. Much might be said from the standpoint of legislation, which is often very loose or thoroughly unfair; in many States both the retail and wholesale branches of the business have little or no protection under the law, as compared with other lines of trade.

#### DEFENSE OF LIQUOR SELLERS.

The tendency to treat the liquor business as an outlaw business which exists by sufferance only, brings about a condition of instability and uncertainty which is most demoralizing. As a class, I believe the majority of the men engaged in the traffic have the same respect for law and order as men in any other business, but they are the victims of too much legislative bungling and quackery.

The license to sell liquors is really a limited franchise and implies a contract between the city and the licensee. The city is not giving the saloon keeper a square deal if it grants a similar franchise to another man to start business next door in opposition to him. On the other hand, it is a cruel act of injustice to ruin a man who has obeyed the law, by canceling his license, without giving him any compensation.

The evidence in my possession leads me to believe that the abolition of the license system has resulted disastrously in practically every important city where it has been tried. It is equally true that the license system has been attended by grave evils in many places.

**GOVERNMENT SHARES IN BLAME.**

Sometimes the law or the system is at fault, but quite as often the condition simply reflects the carelessness or corruption of the local government. The recent action of the National Municipal League in considering saloon regulation as an important municipal problem is a hopeful sign of the times.

With the natural reaction from the destructive radicalism of the abolitionists, a spirit of honest inquiry has come. Public sentiment has been aroused; it is waiting now for competent direction. Trained students of social legislation and men in the front rank of civic administration should take advantage of this situation, with a view to the permanent betterment of conditions. It is time for intelligent laymen to take the lead.

## CHAPTER VII.

### THE QUESTION OF COMPENSATION.

THE Fourteenth Amendment to the Constitution of the United States declares that no person shall be deprived of life, liberty or property without due process of law.

This is the saving guarantee of our civilization, the corner stone of social order. To maintain this principle inviolate is the highest function of our Government, the most exalted care and responsibility of our Judiciary.

Yet, by a memorable decision rendered in the year 1887, the Supreme Court of the United States held that the brewing and distilling properties of the country, being subject to the police powers of the State, were not entitled to the guarantee afforded and covenanted in the Fourteenth Amendment. Passing upon a claim for compensation on behalf of certain brewers in Kansas, whose business had been destroyed and whose property had been rendered valueless by the Prohibition law, the Court, after postulating that "the public health, the public morals and the public safety may be endangered by the general use of intoxicating drinks," pronounced judgment in these terms:

"A prohibition simply upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals or safety of the community cannot, in any just sense, be deemed a taking or an appropriation of property for the public benefit. . . . The power which the States have of prohibiting such use by individuals of their property as will be prejudicial to the health, the morals or the safety of the public, is not—and, consistently with the safety and existence of organized society, cannot be—burdened with the condition that the State must compensate such individual owners for pecuniary losses they may sustain by reason of their not being permitted, by a noxious use of their property, to inflict injury upon the community."

Twenty years have passed since this celebrated decision was uttered, and it is still generally regarded as having finally settled the question of compensation for the liquor interests. Meantime the march of prohibition, with its attendant spoliation and confiscation, has continued and is now far more menacing, with greater possibilities of ruin, than when the United States Supreme Court passed upon the Kansas cases. Therefore, it may be permitted to us to take some small comfort in the reflection that even the United States Supreme Court has been known to "reverse itself," and we are further assured that before a still higher tribunal—the Court of Conscience—nothing is settled until it is settled right.

JUDGE BREWER'S STRONG DISSENT.

The decision referred to reversed a decree of Judge Brewer, then of the United States Circuit Court of Kansas, now himself a member of the United States Supreme Court. Judge Brewer had held that "the State can prohibit the defendant from brewing, but *before it can do so it must pay the value of the property destroyed.*"

Evidently Judge Brewer, although reversed, was not convinced, for speaking before the Yale Law School a few years later (in 1891) he said: "I am here to say to you in no spirit of obnoxious or unpleasant criticism upon the decision of any tribunal or judge, that *the demands of absolute and eternal justice forbid that any private property, legally acquired and legally held, should be spoliated or destroyed in the interests of public health, morals or welfare, without compensation.*"

Referring to the action in which he had been reversed, he made this statement, at once a plea and a justification:

"There were four or five breweries, with machinery and appliances, valuable only for use, worth a few thousand dollars, a mere bagatelle in comparison with the wealth of the State, *built up under the sanction of the law*, owned by citizens whose convictions were different from those of the majority, and who *believed the manufacture and sale of beer to be right and wise*. As good citizens, it was fitting that they should yield to the judgment of the majority. *As honest men it was fitting for the majority not to destroy without compensation.*"

Still unpersuaded by the voice of the highest tribunal in the



land, Judge Brewer went on to affirm that "*when a lawful use is by statute made unlawful and forbidden and its value destroyed, the public shall make compensation to the individual.*" And, finally, he re-affirmed his position in this boldest declaration of all:—

"We must recast some of our judicial decisions; and if that be not possible, we must rewrite into our Constitution the affirmations of the Declaration of Independence, in language so clear and peremptory that no judge can doubt or hesitate and no man, not even a legislator, misunderstand. I emphasize the words *clear and peremptory*, for many of those who wrought into the Constitution the Fourteenth Amendment believed that they were placing therein a National guarantee against future State invasion of private rights, *but judicial decisions have shorn it of strength, and left it nothing but a figure of speech.*"

#### BRITISH VIEW OF COMPENSATION.

The difference between the American and British attitude toward this question of compensating persons engaged in the liquor traffic, in the event of the legal extinction of their business, is marked and extraordinary. We are often accused of playing the "sedulous ape" to the Englishman in matters of fashion, etc., and it seems that we might profitably take an occasional lesson from him in the province of government. Certainly the British position on this question of compensation is in accord with simple justice and reflects credit on the national sense of honor and equity.

Look at the contrast. In this country immense property interests are wiped out by prohibitory laws and not a dollar allowed for compensation, the highest Court in the land having affirmed the legality and justice of such virtual confiscation. In England, on the contrary, public sentiment favors the principle of compensation—the *measure* of such compensation was about the only question at issue regarding the Licensing Bill lately rejected by the Lords, both parties being agreed as to the *principle* of indemnification.

When the bill was introduced in February last (1908), Chancellor Asquith called attention to the fact that licenses were extinguished without compensation in the United States and in some of the British Colonies, and that legally such an enactment would not be wrong. But he added, "We think, and rightly in my opinion, that not only policy but equity demands a fair recognition

of the expectations upon which this industry has so long been conducted."

It may be needful to point out that nothing like the American idea or system of prohibition prevails in England. The bill rejected by the Lords simply gave to each community the right to say that there should be *no increase in the number of licenses* and it provided for a gradual reduction of the number of public houses, *allowing a certain compensation* to the holders of extinguished licenses.

Moderate as this proposal was, being strictly in the line of regulation, it failed to find favor with the English people whose reverence for property and vested rights has often figured in the making of history. It is conceded that the Peers would not have dared to reject the bill had they not felt that the overwhelming mass of public sentiment was behind them.

But what would the British public think of such wholesale measures of spoliation and confiscation as are calmly proposed and as calmly executed in our liberty-loving country? For in England the liquor business is not regarded as outlawed, nor as the legitimate prey of venal agitators, and no such decision as that of our Supreme Court mentioned above, has ever emanated from the Woolsack. English Peers are heavily interested in brewing, as well as many clergymen of the Established Church, and nobody has to apologize for his connection with a trade which is recognized as a great source of the National wealth.

#### BRITISH STATESMEN ON COMPENSATION.

We append the views of some eminent British authorities on the question of compensation:

MR. GLADSTONE:

(Dalkeith, November 26, 1879.)

"But I must also add that I think, if it be necessary, if Parliament should think it wise to introduce any radical change in the working of the liquor law in such a way as to break down the fair expectations of persons who have grown up, whether rightly or wrongly, it is not their fault—it is our fault—under the shadows of those laws, their *fair claim to compensation ought, if they can make good their case, to be considered*, as all such claims have been considered, by the wisdom and liberality of a British Parliament."

(In House of Commons, March 5, 1880.)

"As to compensation, the Licensed Victuallers ought to be dealt with exactly on the same principle as every other class in regard to which *a vested interest has been permitted to grow up*."

(In House of Commons, June 18, 1880.)

"I should have been better pleased with the matter of the resolution if my honorable friend had included in it some reference to the principle of equitable compensation. I want nothing more than this—a frank recognition of the principle that we are *not to deny to publicans, as a class, perfectly equal treatment.*"

LORD SELBORNE (Late Lord Chancellor):

(Letter to Mr. Ellaby, June 10, 1890.)

"If I rightly understand the views and objects of those who in the name of temperance object to any payment being made for the purpose of such agreements as this bill would authorize, what they want is to take away from a large number of persons who have lawfully invested money in licensed public-houses, and against whom no case of misconduct, which might be a just cause for refusing to renew the license, can be alleged, their *property and means of livelihood*, and to do this without compensation. *This, in my opinion, would be very unjust.*"

MR. JOHN BRIGHT:

(House of Commons, June 14, 1881.)

"I think the honorable baronet should further consider the question of compensation, and not think it absolutely wrong if Parliament, under those circumstances, did provide some mode by which *men who are engaged in a lawful business should not be deprived of their business without some sort of compensation.*"

MR. JOHN MORLEY:

(Letter to Mr. D. Gupwell, February 10, 1880.)

"I should strongly oppose any legislation which should overlook the fact that *immense capital has been embarked in your trade*, in the ordinary expectation that the trade would not be interfered with."

MR. CHAMBERLAIN:

(House of Commons, April 12, 1888.)

"I do not see any way to dispute the equitable claim to compensation which the publicans have. The publicans hold a property which has a marketable value, and in which they have invested a considerable sum. They are, at all events, conducting a legal traffic over which the Legislature has, to a certain extent, thrown its shield and protection, and *they cannot be fairly and properly deprived of their means of livelihood without giving them compensation.* All precedent would be against our adopting such a course. \* \* \*

LORD CHIEF JUSTICE COLERIDGE:

(At the annual Meeting of the Church of England Temperance Society, April, 1888.)

"If they (the Temperance Party) desired to gradually diminish the number of Houses, nothing would help them more than proceeding on the lines of equity and justice, and nothing would defeat their ends more than taking the opposite course. Whatever might be the extent of the legal rights of publicans, they had no right to ruin them because the mind of England had changed on the drink question."

SIR WILFRED LAWSON:

(House of Commons, June 18, 1880.)

"Honorable members tell me that there ought to be something about compensation in my resolution. If I would only do that they could find it in their hearts to vote for me. Now, I *do not want to condemn compensation.* \* \* \* I am quite sure, if ever my resolution is crystallized into an Act of Parliament, this House will never refuse a fair demand from any body of men."

MR. ARTHUR ARNOLD:

(House of Commons, June 18, 1880.)

"Now, I can only say for myself that I regard a license possessed by the man who has the privilege of holding that license for the sale of wine and spirits as a *very substantial property*, and I will tell the House why—because there is in regard to that license every feature of property."

HON. ARTHUR BALFOUR (Speaking as Prime Minister, 1903):

"Surely it must stand to reason that *if you make property in licenses absolutely insecure no man of position or substance will engage in the trade*  
\* \* \* I, therefore, look with the utmost alarm to anything which would absolutely drive out all the good men and leave the work which has to be done, and will be done by somebody, legislate how you will, to men who have neither character, nor money, nor position to lose."

## OUR PUBLICATIONS.

The publications of the United States Brewers' Association have a distinct educational aim and purpose. Their candor and impartiality, their accuracy and thoroughness, their absolute honesty in presenting the facts, whatever conclusions may be deduced therefrom, have been admitted by many of the foremost scholars and sociologists in this country and in Europe. As we have pointed out elsewhere, the growing liberality of the public mind in this country regarding the varied aspects of the liquor problem is, and has been for many years, in great part due to the influence exerted by these publications.

In the future our work along lines of popular education and publicity will be greatly extended and, even more than in the past, will command the attention and confidence of all honest investigators.

We append a partial list of our publications, including reprints of pamphlets and articles in magazines, etc., which we have purchased and distributed.

Bibliography of Alcohol by Dr. Nathan Oppenheim. An unique compilation, the most complete and comprehensive work on the subject ever published in any language. An extensive list of books, treatises, etc., in English, German, French, Spanish and Italian, that will be found invaluable by students of the liquor question, especially in its scientific phases.

## ORIGINAL PUBLICATIONS.

Real and Imaginary Effects of Intemperance.....	G. Thomann.
Colonial Liquor Laws.....	"
Liquor Laws of the United States.....	"
Crimes and Inebriety.....	"
The Nation's Drink-Bill.....	"
The System of High License.....	"
Thoughts on the International Temperance Congress (Held at Antwerp).....	"
International Temperance Congress (Held at Zurich).....	"
Effects of Beer Upon those Who Make and Drink It.....	"
Alleged Adulteration of Malt Liquors.....	"
The Art of Drinking (Translation).....	"
Solution of the Temperance Problem, etc.....	"
South Carolina Dispensary System.....	"
Past and Present Place of Beer.....	"
Tully-Wainwright Local Option Bill.....	"
Up-To-Date.....	"
Local Option Movement.....	"
History of the U. S. Brewers' Association (2 Vols.).....	"
True Temperance.....	M. Monahan.

## REPRINTS OF ESSAYS AND ADDRESSES, ETC.

Mistakes of Prohibitionists.....	John Mudie.
Papers on Prohibition.....	Rev. George J. Low.
Intemperance and Cosmic Laws.....	Henry I. Bowditch.
The Eye-Opener.....	Charles Willsie.
The Two-Wine Theory.....	Rev. E. H. Jewett.
Why the Canteen Should Be Restored.....	Major Seaman.
The Canteen System.....	
Beer and Its Place in Dietetics.....	J. E. Siebel.
Liquor Question in Politics.....	Hon. Henry Watterson.
Sumptuary Laws.....	Hon. Boyd Winchester.
Mills on Prohibition.....	Hon. Roger Q. Mills.
License and Prohibition.....	Dr. W. Schoenfeld.
Our Flag Unstained.....	"
The Prohibition Question.....	George W. Peck.
The Army and the Canteen.....	Rev. E. B. Smith.
The Saloon Problem.....	Hugh F. Fox.
Broader Motive for School Hygiene.....	Dr. Wm. H. Allen.
Discussion on Alcoholic Beverages.....	Dr. Adolf Cluss.
Does Prohibition Pay?.....	Holman Day, in <i>Appleton's</i> .
Prohibition and Social Psychology.....	Prof. Hugo Münsterberg, in <i>McClure's</i> .

## U. S. BREWERS' ASSOCIATION LEAFLETS.

The Allied Trades.....	Hugh F. Fox.
License Versus Prohibition.....	"
Social Order and the Saloon.....	"
The Voice of the Church.....	M. Monahan
False Science in the Schools.....	"
Is Prohibition Good for the State?.....	"
Wisdom of the Fathers.....	"
Ministers Wave the Red Flag.....	"
Insanity and Drink.....	"
Switzerland and the Liquor Traffic.....	"
In Justice to the Saloon.....	<i>National Magazine</i> .
Our Sober Country.....	"
Wine and the Christian Church.....	<i>Current Literature</i> .
Was Lincoln a Prohibitionist?.....	G. Thomann.
Social Drinking Abroad.....	"
Saloons and Drunkenness.....	
Brewers Reclare for Reform.....	
Brisbane on Prohibition.....	Arthur Brisbane
Prohibition a Failure.....	Reed Carradine.
Drinking Races in the Van.....	<i>Harper's Weekly</i> .
Public School Physiology.....	Mrs. S. B. Herrick.
Story of a Dry Town.....	"
Why German-Americans Oppose Prohibition.....	Geo. Sylvester Viereck.
The Right of Constraint.....	Dr. F. Petrie.
Story of American Beer.....	<i>New York Times</i> .
Christian Duty and the Drink Problem.....	Rev. H. R. Gamble.
Maine Forsaking Prohibition.....	
Labor arrayed against Prohibition.....	
Organized Labor and the Saloon.....	Edward Hirsch.
A Country Without Paupers.....	<i>World's Work</i> .
Editorials on Prohibition.....	<i>New York Commercial</i> .
A Great Jurist on Prohibition.....	James C. Carter.
Temperance—Not Prohibition.....	Prof. Hugo Münsterberg.
Local Option Exposed.....	Rev. E. A. Wasson.

Local Option Tested.....	George Muller.
Moderate Use vs. Total Abstinence.....	Symposium of German Scientists.
Who Pays Uncle Sam's Bills?.....	New York <i>Times</i> .
Rise of Beer in Holland.....	Randolph Churchill.
Prohibition that Does Not Prohibit.....	Baltimore <i>Sun</i> .
Prohibition Makes Drug Fiends.....	Dr. A. P. Grinnell.

## CHAPTER VIII.

### FEDERAL FOOD AND BEER LAWS.

#### FOOD AND DRUGS ACT, JUNE 30, 1906.

AN ACT For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, in the discretion of the court.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered



for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 6. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture or substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 7. That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 8. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and

other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alba or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but

such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond; *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

SEC. 12. That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 13. That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

Approved, June 30, 1906.

## IMPORTANT REGULATIONS.

The following extracts from the Rules and Regulations are of special interest to the trade:

### REGULATION 11. SUBSTANCES MIXED AND PACKED WITH FOODS.

No substance may be mixed or packed with a food product which will reduce or lower its quality or strength. Not excluded under this provision are substances properly used in the preparation of food products for clarification or refining, and eliminated in the further process of manufacture.

### REGULATION 12. COLORING, POWDERING, COATING, AND STAINING.

(a) Only harmless colors may be used in food products.

(b) The reduction of a substance to a powder to conceal inferiority in character is prohibited.

(c) The term "powdered" means the application of any powdered substance to the exterior portion of articles of food, or the reduction of a substance to a powder.

(d) The term "coated" means the application of any substance to the exterior portion of a food product.

(e) The term "stain" includes any change produced by the addition of any substance to the exterior portion of foods which in any way alters their natural tint.

### REGULATION 15. WHOLESOMENESS OF COLORS AND PRESERVATIVES.

(a) Respecting the wholesomeness of colors, preservatives, and other substances which are added to foods, the Secretary of Agriculture shall determine from chemical or other examination, under the authority of the Agricultural Appropriation Act, Public 382, approved June 30, 1906, the names of those substances which are permitted or inhibited in food products; and such findings, when approved by the Secretary of the Treasury and the Secretary of Commerce and Labor, shall become a part of these regulations.

(b) The Secretary of Agriculture shall determine from time to time, in accordance with the authority conferred by the Agricultural Appropriation Act, Public 382, approved June 30, 1906, the principles which shall guide the use of colors, preservatives, and other substances added to foods; and when concurred in by the Secretary of the Treasury and the Secretary of Commerce and Labor, the principles so established shall become a part of these regulations.

## MISBRANDING.

### REGULATION 17. LABEL.

(a) The term "label" applies to any printed, pictorial, or other matter upon or attached to any package of a food or drug product, or any container thereof.

(b) The principal label shall consist, first, of all words which the food and drugs act, June 30, 1906, specifically requires, to wit, the name of the substance or product; the name of place of manufacture in the case of food compounds or mixtures; words which show that the articles are compounds, mixtures, or blends; the words "compound," "mixture," or "blend;" or words designating the substances or their derivatives and proportions required to be named in the case of drugs and foods. All these required words shall appear upon the principal label with no intervening descriptive or explanatory reading matter. Second, if the name of the manufacturer and place of manufacture are given, they shall also appear upon the principal label. Third, elsewhere upon the principal label other matter may appear in the discretion of the manufacturer.

(c) The principal label on foods or drugs for domestic commerce shall be printed in English (except as provided in Regulation 19), with or without the foreign label in the language of the country where the food or drug product is produced or manufactured. The size of type shall not be smaller than 8-point (brevier) caps: *Provided*, That in case the size of the package will not permit the use of 8-point cap type the size of the type may be reduced proportionately.

(d) The form, character, and appearance of the labels, except as provided above, are left to the judgment of the manufacturer.

(e) Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular.

(f) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent.

In the case of drugs the nomenclature employed by the United States Pharmacopœia and the National Formulary shall obtain.

(g) The term "design" or "device" applies to pictorial matter of every description, and to abbreviations, characters, or signs for weights, measures or names of substances.

(h) The use of any false or misleading statement, design, or device shall not be justified by any statement given as the opinion of an expert or other person, appearing on any part of the label, nor by any descriptive matter explaining the use of the false or misleading statement, design, or device.

(i) The regulation regarding the principal label will not be enforced until October 1, 1907, in the case of labels printed and now on hand, whenever any statement therein contained which is contrary to the food and drugs act, June 30, 1906, as to character of contents, shall be corrected by a supplemental label, stamp, or paster. All other labels now printed and on hand may be used without change until October 1, 1907.

#### REGULATION 18. NAME AND ADDRESS OF MANUFACTURER.

(a) The name of the manufacturer or producer, or the place where manufactured, except in case of mixtures and compounds, having a distinctive name, need not be given upon the label, but if given, must be the true name and the true place. The words "packed for ———," "distributed by ———," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer, or the name of the place not the actual place of manufacture or production.

(b) When a person, firm, or corporation actually manufactures or produces an article of food or drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when in the opinion of the Secretary of Agriculture the mention of any such place, to the exclusion of the others, misleads the public.

#### REGULATION 19. CHARACTER OF NAME.

(a) A simple or unmixed food or drug product not bearing a distinctive name shall be designated by its common name in the English language, or, if a drug, by any name recognized in the United States Pharmacopœia or National Formulary. No further description of its components or qualities is required, except as to content of alcohol, morphine, etc.

(b) The use of a geographical name shall not be permitted in connection with a food or drug product not manufactured or produced in that place, when such name indicates that the article was manufactured or produced in that place.

(c) The use of a geographical name in connection with a food or drug product will not be deemed a misbranding when by reason of long usage it has come to represent a generic term and is used to indicate a style, type, or brand; but in all such cases the State or Territory where any such article is manufactured or produced shall be stated upon the principal label.

(d) A foreign name which is recognized as distinctive of a product of a foreign country shall not be used upon an article of domestic origin except as an indication of the type or style of quality or manufacture, and then only when so qualified that it can not be offered for sale under the name of a foreign article.

#### REGULATION 20. DISTINCTIVE NAME.

(a) A "distinctive name" is a trade, arbitrary, or fancy name which clearly distinguishes a food product, mixture, or compound from any other food product, mixture, or compound.

(b) A distinctive name shall not be one representing any single constituent of a mixture or compound.

(c) A distinctive name shall not misrepresent any property or quality of a mixture or compound.

(d) A distinctive name shall give no false indication of origin, character, or place of manufacture, nor lead the purchaser to suppose that it is any other food or drug product.

#### REGULATION 22. ARTICLES WITHOUT A LABEL.

It is prohibited to sell or offer for sale a food or drug product bearing no label upon the package or no descriptive matter whatever connected with it, either by design, device, or otherwise, if said product be an imitation of or offered for sale under the name of another article.

### THE FEDERAL BEER LAW.

#### IMPORTANT REGULATIONS APPLYING TO MANUFACTURE OF FERMENTED LIQUORS

SECTION 3339, Revised Statutes of the United States, as amended, provides that:—

There shall be paid on all beer, lager-beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified: Provided, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may by regulations prescribe.

## DEFINITION OF THE WORD GALLON.

SECTION 21, Act of March 1, 1879, provides—

That the word "gallon," wherever used in the internal revenue law, relating to beer, lager beer, ale, porter, and other similar fermented liquors, shall be held and taken to mean a wine-gallon, the liquid measure containing two hundred and thirty-one cubic inches.

## DEFINITION AND QUALIFICATION OF A BREWER.

SECTION 3244, Revised Statutes, provides that—

\* \* \* Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer. \* \* \*

SECTION 3335, Revised Statutes, provides that—

Every brewer shall, before commencing or continuing business, file with the collector, or proper deputy collector, of the district in which he designs to carry it on a notice in writing, stating the name of the person, company, corporation, or firm, the names of the members of any such company or firm, the places of residence of such persons, a description of the premises on which the brewery is situated, and of his or their title thereto, and the name of the owner thereof.

## SPECIAL TAXES.

At the time of filing the above notice the brewer will pay the special tax required by law, which is \$100 per annum, where he manufactures 500 barrels or more per year, and \$50 per annum where he manufactures less than 500 barrels per year.

"Every person who sells, or offers for sale, malt liquors in less quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors," and shall pay a special tax of twenty dollars.

"Every person who sells, or offers for sale, malt liquors in quantities of not less than five gallons at one time, but who does not deal in spirituous liquors at wholesale, shall be regarded as a wholesale dealer in malt liquors," and shall pay a special tax of fifty dollars: "Provided, That no brewer shall be required to pay a special tax as a dealer by reason of selling in the original stamped packages, whether at the place of manufacture or elsewhere, malt liquors manufactured by him or purchased and procured by him in his own casks or vessels, under the provisions of section thirty-three hundred and forty-nine of the Revised Statutes; but the quantity of malt liquors so purchased shall be included in calculating the liability to brewer's special tax of both the brewer who manufactures and sells the same and the brewer who purchases the same. And it is hereby provided, That no further collection of special tax as retail dealers in malt liquors shall be made from brewers for selling malt liquors of their own manufacture in the original stamped eighth-barrel package." (See Sec. 3244 Rev. Stat., as amended.)

## BREWERS' BOND.

SECTION 3336, Revised Statutes, as amended by act of April 29, 1886, provides that—

Every brewer, on filing notice as aforesaid of his intention to commence or continue business, shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to three times the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or



cause to be paid, as herein provided, the tax required by law on all beer, lager-beer, ale, porter, and other fermented liquors made by or for him, before the same is sold or removed for consumption or sale, except as herein-after provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid; and he shall execute a new bond once in four years and whenever required so to do by said collector, in the amount above named and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval by said collector

#### BREWERS' BOOKS AND RETURNS.

SECTION 3337, Revised Statutes, provides that—

Every person who owns or occupies any brewery, or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who has such premises under his control or superintendence, as agent for the owner or occupant, or has in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager-beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, the kind of such malt liquors, the estimate quantity produced in barrels, and the actual quantity sold or removed for consumption or sale in barrels or fractional parts of barrels. He shall also from day to day, enter, or cause to be entered, in a separate book to be kept by him for that purpose, an account of all materials by him purchased for the purpose of producing such fermented liquors, including grain and malt. And he shall render to the collector, or the proper deputy collector, on or before the tenth day of each month, a true statement, in writing, in duplicate, taken from his books, of the estimated quantity in barrels of such malt liquors brewed, and the actual quantity sold or removed for consumption or sale during the preceding month; and shall verify or cause to be verified, the said statement, and the facts therein set forth, by oath, to be taken before the collector of the district, or proper deputy collector, according to the form required by law. Said books shall be open at all times for the inspection of any collector, deputy collector, inspector, or revenue agent, who may take memorandums and transcripts therefrom.

SECTION 3338, Revised Statutes, provides that—

The entries made in such books shall, on or before the tenth day of each month, be verified by the oath of the person by whom they are made. The said oath shall be written in the book at the end of such entries, and be certified by the officer administering the same, and shall be in form as follows:

"I do swear (or affirm) that the foregoing entries were made by me; and that they state truly, according to the best of my knowledge and belief, the estimated quantity of the whole amount of such malt liquors brewed, and the actual quantity sold, and the actual quantity removed from the brewery owned by . . . . ., in the county of . . . . .; and, further, that I have no knowledge of any matter or thing required by law to be stated in said entries which has been omitted therefrom."


And the owner, agent, or superintendent aforesaid shall also, in case the original entries made in his book were not made by himself, subjoin thereto the following oath, to be taken in manner as aforesaid:

"I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries fully set forth all the matters therein required by law; and that the same are just and true, and that I have taken all the means in my power to make them so."

**SECTION 3340, Revised Statutes, as amended, provides that—**

Every owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who evades, or attempts to evade, the payment of the tax thereon, or fraudulently neglects or refuses to make true and exact entry and report of the same in the manner required by law, or to do, or cause to be done, any of the things by law required to be done by him \* \* \* or who intentionally makes false entry in said book or in said statement, or knowingly allows or procures the same to be done, shall forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and be liable to a penalty of not less than five hundred nor more than one thousand dollars, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be imprisoned for a term not exceeding one year. And every brewer who neglects to keep books, or refuses to furnish the account and duplicate thereof as provided by law, or refuses to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of three hundred dollars.

**CASKS TO BE MARKED.****SECTION 3349, Revised Statutes, provides that—**

Every brewer shall, by branding, mark or cause to be marked upon every hogshead, barrel, keg, or other vessel containing the fermented liquor made by him, before it is sold or removed from the brewery or brewery warehouse, or other place of manufacture, the name of the person, firm, or corporation by whom such liquor was manufactured, and the place of manufacturer; and every person other than the owner thereof, or his agent authorized so to do, who intentionally removes or defaces such marks therefrom, shall be liable to a penalty of fifty dollars for each cask or other vessel from which the mark is so removed or defaced. 

**SECTION 3343, Revised Statutes, provides that—**

Whenever any brewer, cartman, agent for transportation, or other person, sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase, of any fermented liquor contained in any hogshead, barrel, keg, or other vessel from any brewery or brewery warehouse, upon which the stamp, or permit, in case of removal, required by law, has not been affixed, or on which a false or fraudulent stamp, or permit, in case of removal, is affixed, with knowledge that it is such, or on which a stamp, or permit, in case of removal, once canceled, is used a second time, he shall be fined one hundred dollars and imprisoned for not more than one year.

## TREASURY DECISIONS.

(T. D. 1360.)

## TEMPERANCE BEER.

MANUFACTURE OF SOFT DRINKS AND BEVERAGES CONTAINING LESS THAN ONE-HALF OF ONE PER CENT. OF ALCOHOL ON BREWERY PREMISES.

## TREASURY DEPARTMENT,

OFFICE OF COMMISSIONER OF INTERNAL REVENUE,

WASHINGTON, D. C., May 19, 1908.

SIR:—Referring to your conference with this office relative to the manufacture of so-called "temperance beer" on the premises of a regular brewery, I have the honor to advise you that, as stated in T. D. 1345, this office has not approved the manufacture of soft drinks and untaxable beverages on the premises of a brewery producing taxable fermented liquors, for the reason that such practice would necessarily be subjected to close supervision, and would probably result in much annoyance both to the manufacturer and to revenue officers.

There is, however, no provision of law or regulations which specifically prohibits such practice, and if brewers undertake to manufacture such a beverage, it is desirable that the position of this office be clearly understood.

T. D. 1307, holding that a beverage containing less than one-half of one per cent. of alcohol is not taxable as a fermented liquor, is based upon the belief, reached after careful examination of numerous samples submitted to this office, that such a beverage, made from a wort in which such a small quantity of malt or other material is used that the product when fully fermented does not contain one-half of one per cent. of alcohol, or made from a wort containing ordinary amounts of malt or other material and only slightly fermented, does not resemble any of the fermented liquors enumerated in the statute imposing a tax on such liquors sufficiently closely to be classified as such.

The manufacture of any fermented mash, wort, or wash and the separation of any process of the alcoholic content therefrom, except upon the premises of a registered distillery, is prohibited by Section 3282, Revised Statutes; but a proviso to the section expressly exempts fermented liquors from its provisions.

It is therefore held that the manufacture of an ordinary beer, and the reduction of the alcoholic content to less than one-half of one per cent. by boiling in the open air, or by any other process, is prohibited, unless the product is brought within the exemption of the proviso by being tax-paid as a fermented liquor, regardless of its alcoholic content, but such product, containing less than one-half of one per cent. of alcohol, may be sold by retailers without the payment of special tax.

Brewers who manufacture a beverage by this process should treat it in all respects as a fermented liquor, taking up on their records the material from which it is made.

Brewers who also manufacture a beverage which does not at any process of manufacture contain more than one-half of one per cent. of alcohol should credit themselves, by separate red-ink entries, on their material book with the quantity of materials used for this specific purpose; and should use the utmost care to keep the processes, as well as the materials used in the production of the two classes of beverages, separate, and to keep the taxable and untaxable articles separate and distinct from the other. The temperance beverage, when removed from the brewery premises, must be contained in packages unlike those ordinarily used for containing fermented liquor.

Respectfully,

JOHN G. CAPERS, *Commissioner*.

## INTERNAL REVENUE.

(T. D. 1426.)

## SPECIAL TAX—WHOLESALE LIQUOR DEALERS.

CONDITIONS UNDER WHICH A SALE AND SHIPMENT OF LIQUORS CONSIGNED TO  
"SHIPPER'S ORDER" IS HELD TO BE A SALE AT THE POINT OF ORIGINAL  
SHIPMENT.

## TREASURY DEPARTMENT,

OFFICE OF COMMISSIONER OF INTERNAL REVENUE,

WASHINGTON, D. C., October 16, 1908.

SIR:—This office is in receipt of your letter of the 1st instant, transmitting an inquiry from Mr. . . . . ., freight traffic manager of the . . . . . Railroad, as to whether a Prohibition State or district has the right to prohibit railroads accepting intoxicating liquors billed to "shipper's order" when forwarded from other States.

While this office cannot undertake to answer the precise question asked, which is not within the scope of the Internal Revenue Laws, in view of the fact that the right is claimed on the ground that when shipments are so billed the sale is practically made at destination, it may not be amiss to restate the ruling of this office as to the circumstances under which sale is held to be made at the point of original shipment, especially as the published decisions bearing on the question are inharmonious, the decision in question being T. D. 938, T. D. 977, T. D. 982 and T. D. 1369.

Shipments to "shipper's order" may be divided into two classes, those where the purchase price accompanies the order, or is charged to the purchaser's account, and those where the bill of lading is attached to draft which must be accepted by the purchaser in order to secure the bill of lading, without which the common carrier will not surrender the goods.

With regard to the first class mentioned, when the shipper has charged the goods on his 52 b and, in the event that the cash does not accompany the order, on his books to the purchaser and mails him an invoice and the bill of lading indorsed either to the purchaser or in blank, he has completely divested himself of title to, or control over, the goods shipped, and the sale is held to have been completed at the place where the shipment originated.

In the case of shipments where the bill of lading is attached to draft, a more difficult problem is presented. In that case the shipper retains a qualified control over the goods until the draft is settled. Such shipments, however, appear to be similar in principle to cash on delivery shipments, in regard to which the courts have held that the carrier is the agent of the purchaser for transportation and of the shipper for collection.

But to establish the bona fides of the transaction and to provide against the exercise without notice of the control retained by the shipper to divert the shipment to another than the original person for whom intended, the goods must be labeled "Notify (purchaser's name)," and the bill of lading must be endorsed, not in blank, but specifically to the purchaser on whom draft is drawn and whose name appears on the shipping tag, in order that the identity of the purchaser and the goods intended for him may both be clearly determined.

Where these conditions are fully complied with, this office holds that the sale is completed at the point of shipment, notwithstanding the qualified control retained by the shipper until the draft is settled.

It is necessary, of course, in order to avoid liability to special tax at the place of delivery, that there should be in every case a bona fide order received and accepted at the place where the special-tax stamp to cover sales is held.

All previous rulings or decisions in conflict with the position herein taken are hereby revoked.

Respectfully,

JOHN G. CAPERS,

Commissioner.

MR. BERNARD BETTMANN,

Collector Internal Revenue, Cincinnati, Ohio.

## CHAPTER IX.

### FEDERAL STATISTICS OF BEER PRODUCTION, ETC.

**I**N the following pages will be found a digest of statistical information of peculiar value and interest to the brewer. All this matter is gleaned from the latest official reports and has been arranged in tabular form by experts. It will well repay the most careful study.

To the ordinary reader, as well as to the brewer, the fact that stands out most prominently from these statistical exhibits is the INCREASED PRODUCTION OF BEER IN 1908! That over two hundred thousand more barrels of beer should have been consumed in 1908 than in 1907, in spite of the "prohibition tidal wave," the hard times and other unfavorable conditions, is surely a surprising fact, and in our judgment it vindicates both the good sense and the ever growing temperance of the American people.

Not long ago the *New York Sun*, in a remarkable editorial, pointed out the great advance of habits of sobriety among the people in general within recent years and directly attributed it to the substitution of beer for ardent spirits. "Beer drives out hard drink," justly averred the *Sun*, and it cannot be contested that our people have advanced in sobriety proportionately with their increased consumption of beer. There is a wide moral as well as industrial interval between 1863 and 1908—during which period the production of beer has risen from less than a million to over fifty-eight million barrels.

## STATUS OF THE TRADE.

## I.—INTERNAL REVENUE RECEIPTS FROM BEER.

The receipts from the tax on beer for the fiscal year ending June 30, 1907, showed a net increase of \$3,925,959.62 over 1906, which was mainly due to the larger production of fermented liquors as compared with 1907. The fiscal year ending June 30, 1908, shows a net increase in receipts from the beer tax of only \$239,798.63, which is below the normal.

TABLE I.

INTERNAL REVENUE RECEIPTS FROM TAX ON BEER DURING THE FISCAL YEARS ENDING JUNE 30, 1907 AND 1908.

	1907.	1908.	Increase.
Fermented Liquors (Tax \$1.00 per barrel).....	\$58,546,110 69	\$58,747,680 14	\$201,569 45
Brewers (special tax).....	152,712 61	155,129 29	2,416 68
Retail dealers in malt liquors (special tax)....	318,277 54	340,125 49	21,847 95
Wholesale dealers in malt liquors (special tax)....	550,717 34	564,681 89	13,964 55
Total.....	\$59,567,818 18	\$59,807,616 81	\$239,798 63

During the first four months of the fiscal year beginning July 1, 1908, a marked decrease has occurred in receipts from the tax on beer as compared with the corresponding period of 1907, except for the month of September, as shown by the figures below:

TABLE II.

INTERNAL REVENUE RECEIPTS FROM TAX ON BEER DURING THE FIRST FOUR MONTHS OF THE FISCAL YEARS BEGINNING JULY 1, 1907 AND 1908.

Months.	Receipts from Tax on Beer.		Increase.	Decrease.
	1907.	1908.		
July.....	\$7,481,083 24	\$6,714,446 85	.....	\$766,636 39
August.....	6,658,931 12	5,602,669 73	.....	1,056,261 39
September....	5,378,114 24	5,419,017 06	\$40,902 82	.....
October.....	4,994,641 57	4,714,416 10	.....	280,225 47
			\$40,902 82	\$2,103,123 25

TABLE III.

INTERNAL REVENUE RECEIPTS FROM FERMENTED LIQUORS AT VARIOUS RATES OF TAXATION PER BARREL,  
PAID QUANTITIES, AGGREGATE COLLECTIONS, AMOUNTS REFUNDED AND AGGREGATE  
PRODUCTION, FROM SEPTEMBER 1, 1862, TO JUNE 30, 1908.

Fiscal years ended June 30.	Rates of Tax.	Collections at each Rate.	Quantities in Barrels.	Aggregate Collections.	Refunded.	Aggregate Production in Barrels.
1863.....	\$1 00	\$885,271 88	885,272	\$1,628,933 82	....	2,006,625
	60	672,811 53	1,121,353		....	3,141,381
1864.....	60	1,376,491 12	2,294,152		....	3,657,181
	1 00	847,228 61	847,229		....	5,115,140
1865.....	1 00	3,657,181 06	3,657,181	3,734,928 06	....	6,207,402
1866.....	1 00	5,115,140 49	5,115,140	5,220,552 72	....	6,146,663
1867.....	1 00	5,819,345 49	6,207,402	6,057,500 63	....	6,342,055
1868.....	1 00	5,685,663 70	6,146,663	5,955,868 92	....	6,574,617
1869.....	1 00	5,866,400 98	6,342,055	6,099,379 54	24,090 61	7,740,260
1870.....	1 00	6,081,520 54	6,574,617	6,319,126 90	8,800 00	8,659,427
1871.....	1 00	7,159,740 20	7,740,260	7,389,501 82	4,288 80	9,902,352
1872.....	1 00	8,009,969 72	8,659,427	8,258,498 46	1,365 82	9,810,060
1873.....	1 00	8,910,823 83	9,633,323	9,324,937 84	1,747 11	10,241,471
1874.....	1 00	8,880,829 68	9,600,897	9,304,679 72	1,122 42	11,103,084
1875.....	1 00	8,743,744 62	9,452,697	9,144,004 41	849 12	13,347,111
1876.....	1 00	9,159,675 95	9,902,352	9,571,280 66	8,860 54	16,952,085
1877.....	1 00	9,074,305 93	9,810,060	9,480,789 17	21,107 84	17,757,892
1878.....	1 00	9,473,360 70	10,241,471	9,937,051 78	3,098 69	18,998,619
1879.....	1 00	10,270,352 83	11,103,084	10,729,320 08	1,291 55	19,185,953
1880.....	1 00	12,346,077 26	13,347,111	12,829,802 84	30 75	20,710,933
1881.....	1 00	13,237,700 63	14,311,028	13,700,241 21	....	23,121,526
1882.....	1 00	15,680,678 54	16,952,085	16,153,920 42	....	24,680,219
1883.....	1 00	16,426,050 11	17,757,892	16,900,615 81	243,033 20	25,119,853
1884.....	1 00	17,573,722 88	18,998,619	18,084,954 11	....	....
1885.....	1 00	17,747,006 11	19,185,953	18,230,782 03	7,382 78	....
1886.....	1 00	19,157,612 87	20,710,933	19,667,731 29	133 33	....
1887.....	1 00	21,387,411 79	23,121,526	22,922,187 49	3,974 59	....
1888.....	1 00	22,829,202 90	24,680,219	23,324,218 48	....	....
1889.....	1 00	23,235,863 94	25,119,853	23,723,835 26	....	....

TABLE III.—Continued.

INTERNAL REVENUE RECEIPTS FROM FERMENTED LIQUORS AT VARIOUS RATES OF TAXATION PER BARREL,  
PAID QUANTITIES, AGGREGATE COLLECTIONS, AMOUNTS REFUNDED AND AGGREGATE  
PRODUCTION, FROM SEPTEMBER 1, 1862, TO JUNE 30, 1908.

Fiscal year ended June 30.	Rates of Tax.	Collections at each Rate.	Quantities in Barrels.	Aggregate Collections.	Refunded.	Aggregate Production in Barrels.
1890.....	\$1 00	\$25,494,798 50	27,561,944	\$26,008,534 74	....	27,561,944
1891.....	1 00	28,192,327 69	30,478,192	28,565,129 92	31 67	30,497,209
1892.....	1 00	29,431,498 06	31,817,836	30,037,452 77	20 00	31,856,626
1893.....	1 00	31,962,743 15	34,554,317	32,548,983 07	21,559 23	34,591,179
1894.....	1 00	30,834,674 01	33,334,783	31,414,788 04	24,577 62	33,362,373
1895.....	1 00	31,044,304 84	33,561,411	31,640,617 54	188 20	33,589,784
1896.....	1 00	33,139,141 10	35,826,098	33,784,235 26	4,993 90	33,859,250
1897.....	1 00	31,841,362 40	34,423,094	32,472,162 07	....	34,462,822
1898.....	1 00	34,480,524 23	35,112,426	....	....	....
1899.....	2 00	4,404,627 40	2,380,880	39,515,421 14	....	37,529,339
1900.....	2 00	67,671,231 00	36,579,044	68,644,558 45	1,106 90	36,697,634
1901.....	2 00	72,762,070 56	39,330,849	73,550,754 49	117,559 91	39,471,593
1902.....	2 00	74,956,593 87	40,517,078	75,669,907 65	83,539 58	40,614,258
1903.....	1 60	71,166,711 65	44,478,832	71,988,902 39	9,177 69	44,550,127
1904.....	1 00	46,652,577 14	46,650,730	47,547,856 08	20,538 81	46,720,179
1905.....	1 00	48,208,132 56	48,208,133	49,083,458 77	44,396 35	48,265,168
1906.....	1 00	49,459,539 93	49,459,540	50,360,553 18	8,934 26	49,522,029
1907.....	1 00	54,651,636 63	54,651,637	55,641,858 56	20,261 45	54,724,553
1908.....	1 00	58,546,110 69	58,546,111	59,567,818 18	7,488 11	58,622,002
1908.....	1 00	58,747,680 44	58,747,680	59,807,616 81	....	58,814,033
Total.....	....	\$1,178,961,542 05	1,095,742,539	\$1,202,844,761 72	....	1,096,831,956

NOTE.—Prior to September 1, 1866, the tax on fermented liquors was paid in currency, and the full amount of tax was returned by collectors. From and after that date the tax was paid by stamps, on which a deduction of  $\frac{7}{8}$  per cent. was allowed to brewers using them.\*  
\*The Act of July 24, 1897, entitled the "Act of 7 $\frac{1}{2}$  per cent. discount." The Act of June 13, 1898, restored the  $\frac{7}{8}$  per cent. discount.  
Under the Acts of March 2, 1901, and April 12, 1902, no provision is made for any discount.  
The difference in quantities beginning with 1891 is to be accounted for as reported.  
Of the \$687,650.83 refunded, \$355,485.76 was refunded from Fermented Liquors to Brewers and \$332,065.07 to others than Brewers.



TABLE IV.

AMOUNT OF INTERNAL REVENUE DERIVED FROM FERMENTED LIQUORS AT ONE DOLLAR AND TWO DOLLARS PER BARREL, AND AT ONE DOLLAR AND SIXTY CENTS AND SIXTY CENTS PER BARREL, THE QUANTITIES ON WHICH THE TAX WAS PAID, THE DATE WHEN EACH RATE WAS IMPOSED AND WHEN IT ENDED, AND THE LENGTH OF TIME EACH RATE WAS IN FORCE, FROM JULY 1, 1862, TO JUNE 30, 1907.

ARTICLES.	Rates of tax per barrel.	Dates of Acts.		Length of time rates were in force.	Collections at each rate.	Quantities.
		First Imposing the tax.	Limiting tax.			
Ale, beer, lager beer, porter, and other similar fer- mented liquors.....	\$1 00	July 1, 1862	Mar. 3, 1863 Limiting to Mar. 31, 1864	<i>Months.</i> 6	885,271 88	<i>Barrels.</i> 885,272
	60	Mar. 3, 1863	.....	13	2,049,302 65	3,415,504
	1 00	July 1, 1862	.....	410½	568,800 055 65	611,891,249
	2 00	June 13, 1898	.....	36½	219,794,522 83	118,807,851
	1 60	Mar. 2, 1901	.....	12	71,166,711 65	44,478,832
	1 00	Apr. 12, 1902	.....	60	257,517,996 95	257,516,151
Total.....	.....	.....	.....	.....	316,265,677 39	316,263,831
					1,436,479,539 00	1,353,258,690

NOTE.—The act of July 1, 1862, went into operation September 1, 1862. The act of March 3, 1863, provided that the tax on fermented liquors should be 60 cents per barrel from the date of the passage of that act to April 1, 1864. Hence the tax of 60 cents per barrel having expired by limitation April 1, 1864, the tax of \$1 per barrel under act of July 1, 1862, was again revived, and this rate under different acts continued in force from and including that date until the passage of the act of June 13, 1898, when the tax was increased to \$2 per barrel. The act of March 2, 1901, reduced the tax to \$1.60 per barrel, to take effect July 1, 1901. The act of April 12, 1902, restored the tax to the original tax of \$1.00 per barrel, to take effect July 1, 1902.

TABLE V.

STAMPS FOR FERMENTED LIQUORS AND BREWERS' PERMITS ISSUED  
TO COLLECTORS FOR PURCHASERS DURING THE TEN FISCAL  
YEARS ENDED JUNE 30, 1908.

	Number.	Value.
1899.....	90,507,900	\$81,835,928 00
1900.....	84,150,340	78,771,368 34
1901.....	87,302,120	81,070,513 00
1902.....	106,813,400	77,195,853 00
1903.....	97,224,400	47,718,950 00
1904.....	95,805,300	48,241,025 00
1905.....	97,478,200	50,818,591 67
1906.....	107,784,000	55,320,100 00
1907.....	114,585,600	59,827,950 00
1908.....	110,105,300	58,587,900 00
Total.....	991,756,560	\$639,388,179 01

TABLE VI.  
SUMMARY OF PRODUCTION OF FERMENTED LIQUORS, TAX COLLECTED ON SAME, AND PERCENTAGE  
WHICH THIS TAX CONSTITUTES OF INTERNAL REVENUE FROM ALL SOURCES  
FOR THE YEARS ENDING JUNE 30, 1907, AND 1908.

Tax paid Production Barrels.		Fermented Liquors, per Barrel of not more than 31 gals., \$1.00.		Tax collections on fermented liquors.		Percent of total collections from all sources of Internal Revenue.	
1907	1908	1907	1908	1907	1908	1907	1908
58,546,111	58,747,680	\$58,546,110.69	\$58,747,680.44	\$59,567,818.18	\$59,807,616.81	22,0890	23.7646

TABLE VII.

AMOUNT OF FERMENTED LIQUORS REMOVED FROM BREWERIES IN  
BOND, FREE OF TAX, FROM JULY 1, 1907, TO JUNE 30, 1908,  
UNDER THE ACT OF JUNE 18, 1890:

	1907. Gallons.	1908. Gallons.
Exported in original packages, proofs received.....	352,782	276,887
Exported in bottles, proofs received.....	1,958,714	1,830,738
Removed for export, unaccounted for, tax paid....	24,250	14,450
Excess reported by bottlers.....	32,139	41,341
Removed for export, unaccounted for, June 30.....	284,074	183,479
Total.....	2,651,959	2,346,895

TABLE VIII.

AMOUNT OF FERMENTED LIQUORS REMOVED FROM BREWERIES IN  
BOND FOR EXPORT DURING THE FISCAL YEAR ENDED JUNE 30,  
1908, BY DISTRICTS.

	1907 Gallons.	1908 Gallons.
Alabama.....	53,320	16,182
Fourth California.....	.....	3,735
Connecticut.....	5,533	914
Hawaii.....	651	1,333
First Illinois.....	620	4,092
Sixth Indiana.....	1,488	3,875
Seventh Indiana.....	6,355	16,450
Fifth Kentucky.....	13,361	12,400
Seventh Kentucky.....	14,322	2,222
Louisiana.....	12,891	36,604
Third Massachusetts.....	31,204	4,479
Minnesota.....	590,202	36,644
First Missouri.....	6,402	443,441
Fifth New Jersey.....	40,378	7,684
First New York.....	14,105	33,045
Second New York.....	7,460	14,670
Third New York.....	11,749	6,642
First Ohio.....	29,543	76,198
Eleventh Ohio.....	1,354	49,445
Third Texas.....	36,186	25,451
Sixth Virginia.....	1,268	1,240
Washington.....	197,549	190,482
First Wisconsin.....	1,218,738	1,024,706
Second Wisconsin.....	57,953	45,010
	2,352,632	2,056,944

## II.—PRODUCTION OF FERMENTED LIQUORS.

TABLE IX.

PRODUCTION OF FERMENTED LIQUORS TAX PAID, IN THE SEVERAL  
COLLECTION DISTRICTS OF THE UNITED STATES FOR THE FISCAL  
YEAR ENDED JUNE 30, 1908.

DISTRICT.	Barrels.	DISTRICT.	Barrels.
Alabama.....	89,566	First New Jersey.....	149,555
Arizona.....	11,775	Fifth New Jersey.....	3,029,403
First California.....	982,550	New Mexico.....	27,197
Fourth California.....	263,983	First New York.....	3,388,201
Colorado.....	437,780	Second New York.....	211,450
Connecticut.....	1,239,905	Third New York.....	5,115,831
Florida.....	14,968	Fourteenth New York...	1,808,074
Georgia.....	118,370	Twenty-first New York...	713,735
Hawaii.....	12,642	Twenty-eighth New York.	1,724,861
First Illinois.....	4,702,532	Fourth North Carolina....	10
Fifth Illinois.....	245,815	Fifth North Carolina.....	....
Eighth Illinois.....	250,410	North and South Dakota..	45,845
Thirteenth Illinois.....	336,410	First Ohio.....	1,848,054
Sixth Indiana.....	666,694	Tenth Ohio.....	600,204
Seventh Indiana.....	698,726	Eleventh Ohio.....	569,807
Third Iowa.....	226,651	Eighteenth Ohio.....	1,383,248
Fourth Iowa.....	184,804	Oregon.....	196,905
Kansas.....	27,100	First Pennsylvania.....	3,185,057
Second Kentucky.....	20,990	Ninth Pennsylvania.....	296,228
Fifth Kentucky.....	382,154	Twelfth Pennsylvania....	1,364,355
Sixth Kentucky.....	277,500	Twenty-third Pennsylv'nia	2,723,917
Seventh Kentucky.....	36,425	South Carolina.....	4,090
Eighth Kentucky.....	21,312	Tennessee.....	260,638
Louisiana.....	510,258	Third Texas.....	442,148
Maryland.....	1,443,952	Fourth Texas.....	104,769
Third Massachusetts.....	2,201,861	Second Virginia.....	83,240
First Michigan.....	1,114,015	Sixth Virginia.....	109,534
Fourth Michigan.....	425,818	Washington.....	871,118
Minnesota.....	1,337,976	West Virginia.....	341,700
First Missouri.....	3,328,129	First Wisconsin.....	4,174,820
Sixth Missouri.....	513,208	Second Wisconsin.....	701,145
Montana.....	464,042		
Nebraska.....	383,088	Total.....	58,547,680
New Hampshire.....	301,132		

TABLE X.

PRODUCTION OF FERMENTED LIQUORS, TAX PAID, IN THE SEVERAL STATES AND TERRITORIES OF THE UNITED STATES FOR THE FISCAL YEAR ENDED JUNE 30, 1908.

STATES AND TERRITORIES.	Barrels.	STATES AND TERRITORIES.	Barrels.
Alabama.....	89,566	Nebraska.....	383,088
Arkansas.....	11,775	New Hampshire.....	301,132
California.....	1,246,533	New Jersey.....	3,178,958
Colorado.....	437,780	New Mexico.....	27,197
Connecticut.....	1,239,905	New York.....	12,962,152
Florida.....	14,968	North Carolina.....	10
Georgia.....	118,370	North and South Dakota.	45,845
Hawaii.....	12,642	Ohio.....	4,401,313
Illinois.....	5,535,167	Oregon.....	196,905
Indiana.....	1,365,420	Pennsylvania.....	7,569,557
Iowa.....	411,455	South Carolina.....	4,090
Kansas.....	27,100	Tennessee.....	260,638
Kentucky.....	738,381	Texas.....	546,917
Louisiana.....	510,258	Virginia.....	192,774
Maryland.....	1,443,952	Washington.....	871,118
Massachusetts.....	2,201,861	West Virginia.....	341,700
Michigan.....	1,539,833	Wisconsin.....	4,875,965
Minnesota.....	1,337,976		
Missouri.....	3,841,337	Total.....	58,747,680
Montana.....	464,042		

# RATES OF DUTIES UNDER VARIOUS TARIFFS ON SUNDRY ARTICLES.

ARTICLES.	UNDER TARIFF OF				
	Old Tariff Chap. XXXIII, Revised Statutes.	March 3, 1883. (Commission's.)	October 1, 1890. (McKinley's.)	August 24, 1894. (Wilson's.)	July 27, 1897. (Dingley's.)
Barley.....	15c. per bushel	10c. per bushel	30c. per bushel	30%	30c. per bushel
Barley-Malt.....	20%	20c. "	45c. "	40%	45c. "
Hops.....	5c. per pound	8c. per pound	15c. per pound	8c. per pound	12c. per pound
Rice (Flour, Meal } and broken).....	20%	20%	4c. "	4c. "	4c. "
Beer in Bottles.....	35c. per gal.	35c. per gal.	40c. per gal.	30c. per gal.	40c. per gal.
Beer not in bottles...	20c. "	20c. "	20c. "	15c. "	20c. "
Distilled Liquors.....	30% on the bottles	30% on the bottles	No separate or additional duty on the bottles.		
Tobacco, etc.....	\$2.00 per proof gal.	\$2.00 per proof gal.	\$2.50 per proof gal.	\$1.80 per proof gal.	\$2.25 per proof gal.
	15c., 35c., 50c.,	15c., 35c., 40c., 50c.	35c., 40c., 50c.	35c., 40c., 50c.	35c., 50c., 55c.
	per pound.	75c., \$1.00 per lb.	\$2.00, \$2.75 per lb.	\$1.50, \$2.25 per lb.	\$1.85, \$2.50 per lb.
	30%	30%			
Cigars, Cheroots, etc.	\$2.50 per lb. & 25%	\$2.50 per lb. & 25%	\$4.50 per lb. & 25%	\$4.00 per lb. & 25%	\$4.50 per lb. & 25%
Wines, sparkling.....	\$6.00 per doz. qts.	\$7.00 per doz. qts.	\$8.00 per doz. qts.	\$8.00 per doz. qts.	\$8.00 per doz. qts.
	\$3.00 "	pts.	pts.	pts.	pts.
	\$1.50 "	4pts.	4pts.	4pts.	4pts.
Bottles.....	3c each				
Wines in cases.....	25c., 60c. per gal.	\$1.60 per case of 1 doz. q. or 2 doz. p.	\$1.60 per case of 1 doz. q. or 2 doz. p.	\$1.60 per case of 1 doz. q. or 2 doz. p.	\$1.60 per case of 1 doz. q. or 2 doz. p.
	\$1.00 p. g. & 25%				
Bottles.....	3c each				
Wines in casks.....	25c., 60c. per gal.				
	\$1.00 p. g. & 25%	50c. per gal.	50c. per gal.	30c. per gal.	40c. per gal.
				50c.	50c.

NOTE.—Under the Act approved March 8, 1902, the duties on articles and merchandise from the Philippine Islands are 75% of the Dingley Tariff, and under the convention entered into with Cuba, proclaimed by the President December 17, 1903, a reduction of 20% from the Dingley duties is allowable on articles and merchandise from Cuba.

DED APRIL 30, BUT IN THAT YEAR IT WAS CHANGED TO CONFORM

	1890	1891	1892	1893	STATES AND TERRITORIES
7	33,950	39,317	36,948	44,661	Alabama
8	738,707	772,690	793,646	787,825	Arkansas
3	188,188	205,939	201,092	234,735	aCalifornia
9	293,460	334,855	360,216	408,939	bColorado
0	36,800	55,243	51,566	69,267	cConnecticut
1	2,281,249	2,665,133	2,939,149	3,417,295	Florida
6	518,213	562,008	577,123	638,204	Georgia
0	92,195	107,879	115,212	130,565	Illinois
0	2,310	1,900	1,650	2,680	Indiana
0	323,764	352,434	340,410	361,653	Iowa
8	199,412	223,696	262,332	292,285	dKansas
1	687,130	729,838	792,506	852,621	Kentucky
1	947,004	1,008,029	1,123,330	1,241,780	Louisiana
5	557,576	618,150	650,823	725,215	eMaryland
3	332,024	372,654	384,636	416,570	Massachusetts
4	1,883,614	2,043,933	2,047,696	2,281,149	Michigan
2	73,628	80,882	82,781	85,847	Minnesota
9	162,339	153,493	151,429	170,772	Missouri
0	389,956	386,055	429,678	403,155	fMontana
4	1,526,590	1,640,876	1,793,649	1,915,780	gNebraska
4	7,106	6,808	6,835	7,114	New Hampshire
0	8,572,223	8,230,634	9,558,744	9,978,449	New Jersey
9	2,393,124	2,661,062	2,668,494	2,834,807	iNew Mexico
3	172,870	230,944	234,117	220,725	New York
9	2,762,352	3,145,321	3,203,632	3,584,333	North Carolina
7	9,305	9,240	6,221	5,265	Ohio
9	67,800	90,415	99,115	97,425	kOregon
3	70,080	91,795	115,303	131,218	Pennsylvania
					South Carolina
					Tennessee
					Texas





In lieu of a detailed statement showing the number of persons licensed by local authorities to sell liquors, Table XIII, drawn from the figures furnished by the Commissioner of Internal Revenue, furnishes a suggestive picture of the distribution of liquor dealers to population in the different States and Territories. The States showing the smallest proportion of dealers to population are, in their order, Mississippi, North Carolina, South Carolina, Arkansas, Alabama, Tennessee and Vermont. All have more than 1,000 population to each dealer, and all, with one exception, are Southern States. At the other extreme are for the greater part the far Western States, and conspicuous as having the smallest population to each dealer are, in their order, Nevada, California, Montana, Washington, Idaho, Arizona, New Mexico, etc.

Of course the figures in the table only approximate actual present day conditions, but are none the less significant. If further light were needed to show how State-wide prohibition breaks down, it is at hand in the number of persons who pay a special tax to sell liquor where all sale is forbidden. Thus Kansas has actually a larger number of liquor sellers than Kentucky, which always has been under license and surpasses in this respect several other license States. North Dakota exhibits fewer inhabitants to each liquor seller than the license States of Nebraska, South Dakota, Ohio, New Hampshire, Massachusetts, Texas, etc., to mention only a few of them. Oklahoma apparently pays about the same respect for her constitutional prohibition. Maine, as usual, is also well to the front with violators of the law. This much is certain: If a strong public sentiment supported this sumptuary legislation the conditions as depicted by the official figures would not exist.

TABLE XII.  
STATEMENT SHOWING, BY STATES AND TERRITORIES, THE ACTUAL NUMBER OF THE DIFFERENT KINDS  
OF SPECIAL-TAXPAYERS FOR THE FISCAL YEARS ENDING JUNE 30, 1907 AND 1908.

STATES AND TERRITORIES.	Brewers.		Retail Dealers in Malt Liquors.		Wholesale Dealers in Malt Liquors.		Retail Liquor Dealers.		Wholesale Liquor Dealers.	
	1907	1908	1907	1908	1907	1908	1907	1908	1907	1908
Alabama.....	4	4	392	434	100	89	1,748	1,319	68	71
Alaska.....	6	4	5	7	10	6	527	472	20	11
Arizona.....	2	2	9	6	48	36	1,309	922	27	28
Arkansas.....	1	1	102	139	73	61	1,106	925	63	61
California.....	109	91	381	500	337	389	14,576	15,117	651	732
Colorado.....	15	12	183	78	186	112	3,310	2,247	120	91
Connecticut.....	26	31	164	137	215	257	3,498	3,405	58	64
Delaware.....	6	6	12	20	9	8	410	392	7	8
District of Columbia.....	5	5	65	53	29	33	930	1,002	32	26
Florida.....	1	3	144	152	52	55	932	824	42	55
Georgia.....	6	4	207	1,600	57	130	1,427	1,398	105	79
Hawaii.....	1	1	9	19	8	24	339	419	54	93
Idaho.....	17	15	52	39	74	61	1,420	1,306	26	19
Illinois.....	120	118	1,575	1,630	919	956	22,036	21,734	428	400
Indiana.....	47	39	733	617	482	388	8,936	8,513	83	101
Indian Territory.....			549		44		55		2	
Iowa.....	21	23	585	630	515	565	4,491	4,454	81	80
Kansas.....	2	2	637	658	101	103	2,583	2,559	28	11
Kentucky.....	24	25	261	336	92	82	3,640	3,320	296	253
Louisiana.....	10	11	155	125	101	137	4,725	4,561	153	188
Maine.....	5	4	468	480	27	40	358	344	10	2
Maryland.....	24	25	97	162	159	171	4,841	4,716	134	136
Massachusetts.....	39	38	140	216	418	428	4,826	4,770	212	225
Michigan.....	90	91	531	542	354	392	9,298	9,238	77	73
Minnesota.....	84	79	1,197	1,532	557	628	6,573	6,524	122	116
Mississippi.....		1	65	90	27	25	515	406	35	37
Missouri.....	55	54	699	562	488	481	9,070	8,418	221	219

TABLE XII.—*Continued.*  
STATEMENT SHOWING, BY STATES AND TERRITORIES, THE ACTUAL NUMBER OF THE DIFFERENT KINDS OF SPECIAL-TAXPAYERS FOR THE FISCAL YEARS ENDING JUNE 30, 1907 AND 1908.

STATES AND TERRITORIES.	Brewers.		Retail Dealers in Malt Liquors.		Wholesale Dealers in Malt Liquors.		Retail Liquor Dealers.		Wholesale Liquor Dealers.	
	1907	1908	1907	1908	1907	1908	1907	1908	1907	1908
Montana.....	25	21	123	120	116	120	2,154	2,142	47	40
Nebraska.....	17	15	266	353	534	465	2,526	2,462	51	46
Nevada.....	6	5	13	7	60	66	1,696	1,845	35	34
New Hampshire.....	5	4	101	99	78	83	920	855	26	23
New Jersey.....	45	43	299	293	581	584	10,588	10,674	175	178
New Mexico.....	2	2	14	26	52	63	1,097	1,281	22	28
New York.....	214	204	478	482	623	684	34,753	35,579	1,208	1,255
North Carolina.....	.....	1	327	458	27	37	817	656	50	34
North Dakota.....	.....	.....	850	769	68	38	1,055	798	3	1
Ohio.....	143	125	306	261	661	624	13,616	13,655	351	401
Oklahoma.....	2	3	188	826	99	112	962	1,173	27	20
Oregon.....	27	23	50	53	134	105	2,295	2,312	70	68
Pennsylvania.....	248	251	762	737	1,099	1,029	18,689	17,645	572	645
Rhode Island.....	7	5	21	32	52	55	1,893	1,882	37	43
South Carolina.....	1	4	151	258	75	15	665	596	10	20
South Dakota.....	4	4	156	153	175	152	1,426	1,334	26	28
Tennessee.....	8	6	196	384	51	44	2,064	1,589	81	105
Texas.....	19	14	2,984	2,797	349	388	3,585	3,377	84	69
Utah.....	5	4	60	49	53	64	984	996	21	27
Vermont.....	.....	.....	93	94	23	21	242	231	5	5
Virginia.....	8	8	172	195	82	65	2,357	2,336	89	93
Washington.....	39	40	163	197	202	200	4,271	4,097	115	123
West Virginia.....	19	15	177	161	202	224	1,555	1,495	25	31
Wisconsin.....	156	155	855	839	590	677	12,141	11,698	120	114
Wyoming.....	.....	3	44	27	66	56	618	499	33	16
Total.....	1,720	1,644	18,266	20,434	11,534	11,628	236,448	230,512	6,439	6,626

TABLE XIII.

NUMBER OF RETAIL MALT AND LIQUOR DEALERS IN PROPORTION TO  
POPULATION, BY STATES AND TERRITORIES.

STATE.	Estimated Population.	Retail Malt and Liquor Dealers.	Population per Dealer.
Alabama.....	2,017,877	1,753	1208.1
Alaska.....	82,516	479	170.1
Arizona.....	143,746	928	154.8
Arkansas.....	1,421,574	1,064	1336.0
California.....	1,648,049	15,617	105.5
Colorado.....	615,570	2,325	264.7
Connecticut.....	1,005,716	3,542	283.9
Delaware.....	194,479	412	472.0
District of Columbia.....	307,716	1,055	291.6
Florida.....	629,341	976	634.5
Georgia.....	2,443,719	2,998	815.1
Hawaii.....	192,407	438	439.2
Idaho.....	205,704	1,345	152.9
Illinois.....	5,418,670	23,364	231.0
Indiana.....	2,710,898	9,130	295.8
Iowa.....	2,205,690	5,084	433.8
Kansas.....	1,612,471	3,217	501.2
Kentucky.....	2,320,298	3,656	634.6
Louisiana.....	1,539,449	4,686	328.0
Maine.....	714,494	824	867.1
Maryland.....	1,275,434	4,878	261.4
Massachusetts.....	3,043,346	4,986	610.3
Michigan.....	2,584,533	9,780	264.6
Minnesota.....	2,025,615	8,056	251.4
Mississippi.....	1,708,272	496	3464.2
Missouri.....	3,363,153	8,980	376.7
Montana.....	303,575	2,262	134.2
Nebraska.....	1,068,484	2,815	379.4
Nevada.....	42,335	1,852	22.8
New Hampshire.....	432,624	954	453.4
New Jersey.....	2,196,237	10,967	200.2
New Mexico.....	216,328	1,307	165.5
New York.....	8,226,990	36,061	228.1
North Carolina.....	2,059,326	1,114	1848.5
North Dakota.....	463,784	1,567	295.9
Ohio.....	4,448,677	13,916	319.6
Oklahoma.....	590,247	1,999	295.2
Oregon.....	474,738	2,365	200.7
Pennsylvania.....	6,928,515	18,382	376.9
Rhode Island.....	490,387	1,914	256.4
South Carolina.....	1,453,813	854	1702.3
South Dakota.....	465,908	1,487	313.3
Tennessee.....	2,172,476	1,973	1101.1
Texas.....	3,536,618	6,174	572.8
Utah.....	316,331	1,045	302.7
Vermont.....	350,373	325	1078.0
Virginia.....	1,973,104	2,531	779.5
Washington.....	614,625	4,292	143.1
West Virginia.....	1,076,406	1,656	650.0
Wisconsin.....	2,260,930	12,537	180.3
Wyoming.....	103,673	526	197.0

## III.

## IMPORTS AND EXPORTS OF MALT LIQUORS.

TABLE XIV.

IMPORT OF FOREIGN BEER, ALE, PORTER AND OTHER MALT LIQUORS  
FOR THE LAST TEN FISCAL YEARS.

	In Bottles or Jugs.		In Other Coverings.	
	Gallons.	Value.	Gallons.	Value.
1899.....	918,562	\$917,186	1,928,672	570,692
1900.....	1,081,818	1,079,723	2,228,502	647,533
1901.....	1,151,891	1,166,123	2,447,555	719,092
1902.....	1,198,406	1,161,965	2,553,105	718,383
1903.....	1,292,475	1,252,047	2,966,343	835,694
1904.....	1,467,756	1,385,818	3,197,955	927,507
1905.....	1,362,089	1,285,576	3,836,487	1,119,768
1906.....	1,582,619	1,466,228	4,395,032	1,272,627
1907.....	2,041,688	1,902,655	5,165,929	1,506,108
1908.....	1,954,333	1,829,917	5,564,773	1,634,754
	14,051,637	\$13,447,238	34,284,353	\$9,952,158

TABLE XV.

EXPORT OF FOREIGN BEER, ALE, PORTER AND OTHER MALT LIQUORS  
FOR THE LAST TEN FISCAL YEARS.

	Gallons.	Value.
1899.....	16,425	\$9,843
1900.....	7,841	6,808
1901.....	8,155	6,454
1902.....	5,147	4,705
1903.....	9,499	7,693
1904.....	5,591	6,074
1905.....	4,972	5,253
1906.....	6,970	5,139
1907.....	13,475	9,557
1908.....	15,269	13,684
Total.....	93,344	\$75,210

TABLE XVI.

EXPORT OF BEER AND ALE OF DOMESTIC PRODUCE FOR THE LAST  
TEN FISCAL YEARS.

	In Bottles.		Not in Bottles.	
	Dozens.	Value.	Gallons.	Value.
1899.....	1,433,799	\$1,733,373	602,055	\$154,751
1900.....	1,578,240	1,945,059	761,411	194,157
1901.....	1,351,772	1,643,502	333,673	79,523
1902.....	822,899	1,199,293	417,025	90,769
1903.....	759,027	1,082,982	400,072	95,758
1904.....	540,301	769,432	382,346	84,687
1905.....	626,400	932,372	354,097	80,436
1906.....	727,731	1,059,584	256,575	57,192
1907.....	743,163	1,128,226	356,788	87,114
1908.....	643,230	964,207	272,949	55,965
	9,226,562	\$12,458,030	4,136,991	\$980,352

## IV.

IMPORTS AND EXPORTS OF HOPS, BARLEY, RICE  
MEAL (FLOUR AND BROKEN RICE) DURING  
THE LAST TEN FISCAL YEARS.

TABLE XVII.

IMPORT OF HOPS.

YEAR.	Pounds.	Value.	Duty.	Ad valorem rate of duty.
1899.....	1,319,319	591,755	158,318	26.75%
1900.....	2,589,725	713,701	310,767	43.54%
1901.....	2,606,708	851,008	312,805	36.75%
1902.....	2,805,293	833,702	336,635	40.39%
1903.....	6,012,510	1,808,491	721,501	39.89%
1904.....	2,758,163	1,374,327	330,980	24.08%
1905.....	4,339,379	1,980,804	520,725	26.28%
1906.....	10,113,989	2,326,982	1,213,679	52.15%
1907.....	6,211,893	1,974,900	745,427	37.74%
1908.....	8,493,265	1,989,261	.....	.....
Total.....	47,250,244	14,444,931	.....	.....

TABLE XVIII.

## EXPORTS OF DOMESTIC HOPS FOR THE LAST TEN FISCAL YEARS.

YEAR.	Pounds.	Value.
1899.....	21,145,512	\$3,626,144
1900.....	12,639,474	1,707,660
1901.....	14,963,676	2,466,515
1902.....	10,715,151	1,550,657
1903.....	7,794,507	1,909,951
1904.....	10,985,988	2,116,180
1905.....	14,858,612	4,480,666
1906.....	13,026,904	3,125,843
1907.....	16,809,534	3,531,972
1908.....	22,920,486	2,963,167
	145,859,844	\$27,478,755

Of the Domestic Hops exported in 1908 there were shipped to—

	Pounds.	Value.
United Kingdom.....	21,748,208	\$2,817,804
Other Europe.....	31,899	3,300
British North America.....	682,538	79,667
British East Indies.....	48,223	5,106
British Australasia.....	348,320	47,368
Other Asia and Oceanic.....	15,660	2,324
Other Countries.....	45,632	7,598
	22,920,480	\$2,963,167

TABLE XIX.

## IMPORTATION OF FOREIGN BARLEY FOR THE LAST TEN FISCAL YEARS.

YEAR.	Bushels.	Value.	Duty.	Ad valorem Rate of Duty
1899.....	110,475	53,696	\$33,143	61.72%
1900.....	189,757	91,040	56,927	62.52%
1901.....	171,004	84,073	51,301	61.02%
1902.....	57,406	33,221	17,222	51.84%
1903.....	56,462	30,201	16,939	56.08%
1904.....	90,708	45,245	27,212	60.14%
1905.....	81,020	39,546	24,306	61.46%
1906.....	18,049	9,803	5,415	55.23%
1907.....	38,319	14,033	11,496	81.92%
1908.....	199,741	143,407	.....	.....
	1,012,941	\$544,265	.....	.....



TABLE XX.

## EXPORTATION OF DOMESTIC BARLEY FOR THE LAST TEN FISCAL YEARS.

YEAR.	Bushels.	Value.
1899.....	2,267,403	1,375,274
1900.....	23,661,662	11,216,694
1901.....	6,293,207	2,883,565
1902.....	8,714,268	3,995,303
1903.....	8,429,141	4,662,544
1904.....	10,881,627	6,292,914
1905.....	10,661,655	5,585,544
1906.....	17,729,360	8,653,231
1907.....	8,238,842	4,556,295
1908.....	4,349,078	3,205,528
Total.....	101,226,243	52,426,892

TABLE XXI.

IMPORTATIONS FOR THE LAST TEN FISCAL YEARS OF RICE MEAL,  
RICE FLOUR AND BROKEN RICE.

YEAR.	Pounds.	Value.	Duty.	Ad valorem rate of duty.
1899.....	50,340,267	777,378	125,850	16.18%
1900.....	23,031,440	374,121	57,579	15.39%
1901.....	42,601,649	736,854	106,504	14.45%
1902.....	81,984,118	1,330,711	204,960	15.40%
1903.....	91,338,974	1,329,235	228,347	17.17%
1904.....	78,898,615	1,204,092	197,247	16.38%
1905.....	63,075,006	913,867	157,688	17.25%
1906.....	108,079,166	1,616,716	270,198	16.71%
1907.....	138,316,029	2,273,999	345,790	15.20%
1908.....	125,164,190	2,255,136	.....	.....
Total.....	802,829,454	\$12,812,109	.....	.....

## DECREASED PRODUCTION OF DISTILLED SPIRITS.

The quantity of distilled spirits (126,989,740.1 gallons) produced from materials other than fruit and deposited in distillery warehouses or removed to denaturing warehouses direct from cistern rooms of distilleries during the fiscal year ended June 30, 1908, is less than the quantity so produced (168,573,913.2 gallons) during the fiscal year ended June 30, 1907, by 41,584,173.1 gallons.

The decrease is distributed among the different kinds as known to trade as follows:

Decrease in the production of:	Gallons.
Bourbon whiskey.....	18,970,306.7
Rye whiskey.....	9,962,328.1
Rum.....	126,485.4
Gin.....	190,934.9
High wines.....	74,873.0
High-proof, pure, neutral, or cologne spirits.....	9,867,031.1
Miscellaneous.....	3,117,988.8
<b>Total decrease.....</b>	<b>42,309,948.0</b>
<b>Increase in the production of:</b>	
Alcohol.....	725,774.9
<b>Net decrease.....</b>	<b>41,584,173.1</b>

## INCREASE OR DECREASE IN NUMBER OF SPECIAL-TAXPAYERS FOR THE FISCAL YEAR 1908 AS COMPARED WITH 1907.

SPECIAL TAX PAYERS,	Increase.	Decrease.
Brewers.....	....	76
Retail dealers in malt liquors.....	2,168	....
Wholesale dealers in malt liquors.....	94	....
Retail liquor dealers.....	....	5,936
Wholesale liquor dealers.....	187	....

It is noteworthy that more than one-half of the total increase in the number of persons paying a special tax as retail dealers in malt liquors should have taken place in Georgia. The fact carries its own comment on the results of prohibitive legislation.

The most notable decrease is shown in the number of retail liquor dealers. It is fairly evenly distributed and seems related to industrial depression as well as to restrictive laws and local prohibition.

V.

**[Quantities in taxable gallons.]**

District.	Burbon whisky.	Rye whisky.	Alcohol.	Rum.	Gin.	High wines.	High proof, pure, neu- tral or cologne spirits.	Miscella- neous.	Aggregate.
<b>REMOVED TO DISTILLERY WARE- HOUSES IN PACKAGES.</b>									
Alabama.....									122,285.9
Arizona.....									33,741.2
First California.....			644,679.2						1,938,682.8
Fourth California.....									13,714.6
Connecticut.....	10,173.1				100,862.2		1,309,003.6	3,914.6	110,836.3
Georgia.....						675.8			141,174.7
Hawaii.....									141,800.3
Fifth Illinois.....	178,519.7	1,067,348.7	3,861,105.7		640,196.6	3,893.7	17,732,878.2	5,929,124.1	29,338,036.7
Eighth Illinois.....	3,388.9		1,202,947.9		40,396.2		6,856,006.5	465,965.9	8,680,593.3
Ninth Illinois.....	21,097.7	15,664.5	520,642.6		508,558.3	1,863.9	2,947,960.7	5,115,753.0	9,437,708.7
Sixth Indiana.....	31,226.1	941.2	844,080.0		140,072.5		10,920,011.9	2,570,824.1	14,550,098.7
Seventh Indiana.....						42,939.9			33,939.6
Fourth Iowa.....	33,939.6								2,190,232.9
Second Kentucky.....	2,163,637.3	26,596.3							7,837,410.4
Third Kentucky.....	6,421,635.6	1,342,510.0	380.4					92,884.4	2,011,053.1
Fifth Kentucky.....	874,087.8	362,201.1	5,527.3	79,668.6				689,598.3	3,549,232.0
Sixth Kentucky.....	1,975,359.1	363,225.8						1,310,647.1	1,350,973.9
Seventh Kentucky.....	1,190,048.7	160,924.9							3,782,653.5
Eighth Kentucky.....	71,298.6		1,061,163.4		73,201.1		2,448,022.4	128,968.1	2,573,115.0
Louisiana.....									345,516.7
Maryland.....	4,807.6	2,306,017.1	1,061,612.8		64,602.5		95,606.3	105,508.1	2,280,278.1
Third Massachusetts.....	20,101.1		201,371.0		71,676.5		794,556.9		1,876,608.6
First Michigan.....			1,082,060.7						45,158.9
First Missouri.....	42,975.3	2,181.6							

TABLE XXII.—Continued.

District.	Burbon whisky.	Rye whisky.	Alcohol.	Rum.	Gin.	High wines.	High proof, pure, neu- tral or cognie spirits.	Miscella- neous.	Aggregate.
REMOVED TO DISTILLERY WARE- HOUSES IN PACKAGES.									
Sixth Missouri.	173,466.3	22,792.0						844.0	197,102.3
Montana.	2,331.2	4,647.7			41,668.0				6,978.9
Nebraska.	46,646.6	23,201.6	553,039.6	20,773.5			753,408.4	391,028.8	1,808,993.0
New Hampshire.									20,773.5
First New York.			2,008,109.7		79,752.2		2,609,756.9	512,094.5	4,697,618.8
Fourteenth New York.			280,961.3		312,660.7	97.6	1,092,223.4	466,697.1	2,200,238.1
Twenty-first New York.		2,200.6			11,578.9			478,276.0	478,276.0
Fourth North Carolina.								117,268.8	117,268.8
Fourth North Carolina.								468,162.2	468,162.2
Fifth Ohio.	79,154.3	522,919.0	322,534.0		426,799.1	621.5	2,064,349.6	4,963,988.9	9,286,066.4
First Ohio.	684,751.7	12,964.5	7,778.1		6,074.2			63,247.0	784,815.5
Tenth Ohio.	1,460.1	743.2						2,203.3	2,203.3
Eleventh Ohio.								458.0	124,986.7
Eighteenth Ohio.		114,596.6						1,783.3	650,721.5
First Pennsylvania.	9,913.1	645,938.2							303,998.7
Ninth Pennsylvania.		303,998.7							274,959.9
Twelfth Pennsylvania.		274,959.9			1,512.5			56,467.8	5,707,124.9
Twenty-third Pennsylvania.		5,649,144.6						5,924.7	6,924.7
South Carolina.			4,027.7					1,476,586.7	1,479,614.4
Tennessee.								236,594.7	236,594.7
Second Virginia.		114,692.9						331,886.9	446,579.8
Sixth Virginia.								501.0	501.0
Washington.	501.0	132,148.8						23,182.1	178,066.3
West Virginia.	22,765.4	102,136.0						1,062,983.4	2,088,917.1
First Wisconsin.	57,581.7		530,174.0		249,621.3		86,520.7		
Total.	14,120,494.4	13,587,867.6	13,526,346.0	1,752,054.9	2,756,752.8	50,062.4	50,935,821.2	26,793,676.7	123,523,065.0
Removed from cistern room direct to denaturing warehouses.									
Total production.	14,120,494.4	13,587,867.6	16,849,154.0	1,895,922.0	2,756,752.8	50,062.4	50,935,821.2	26,793,676.7	126,989,740.1
Production during the year ended June 30, 1907.	33,090,791.1	23,550,195.7	16,123,379.1	2,022,407.4	2,947,687.7	124,935.4	60,802,862.3	29,911,664.5	168,573,913.2

